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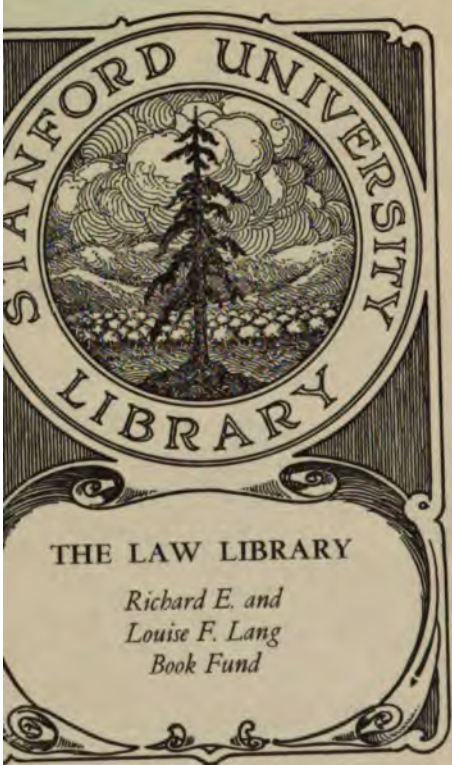
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ROBERTSON, CAPTAIN A.M.

REPORT OF THE TRIAL BY COURT
MARTIAL OF CAPTAIN A.M. ROBERTSON.



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REPORT OF THE TRIAL

BY COURT MARTIAL

CAPTAIN A. M. ROBERTSON,

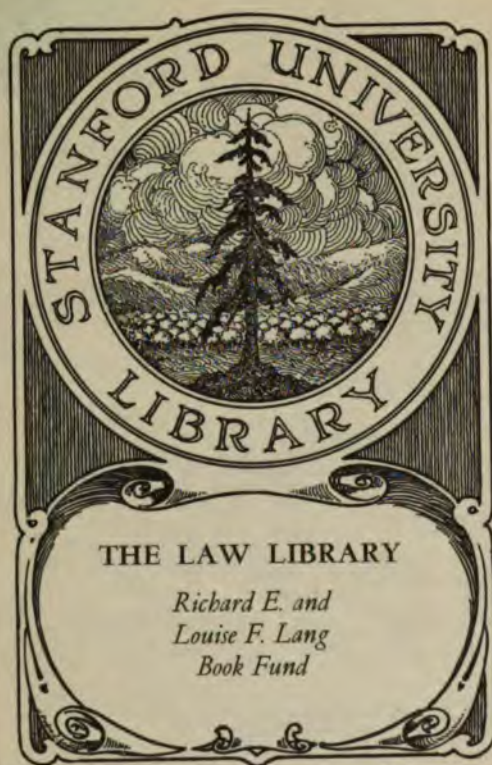
Fourth (Royal Irish) Dragoon Guards,

Held at the ROYAL BARRACKS, DUBLIN, on the 21st of February, 1862,
and following days.

WITH PORTRAITS.

DUBLIN: M'GLASHAN AND GILL.
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1862



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REPORT OF THE TRIAL

BY COURT MARTIAL

OF

CAPTAIN A. M. ROBERTSON,

Fourth (Royal Irish) Dragoon Guards,

Held at the ROYAL BARRACKS, DUBLIN, on the 6th of February, 1862,
and following days.

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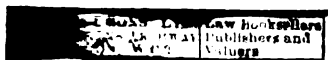
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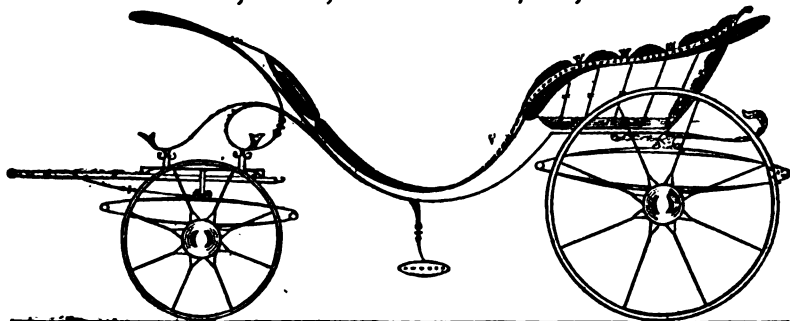
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The number of Proposals for Assurance made to the Company during the Year was	886 for assuring	£559,165 5 2
The amount of Assurances accepted was		429,175 5 2
The Corresponding Annual Premiums being		15,953 17 2
The Claims by Death during the Year, exclusive of Bonus Additions, amounted to		33,983 2 8
The Annual Revenue was		112,353 3 0
The Accumulated Fund amounted to		412,016 0 1

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REDUCED Rates for persons who have no
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No restrictions as to Residence or Voyages in any
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Moderate Rates applicable to different climates.
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CAPTAIN ROBERTSON,
FOURTH ROYAL IRISH DRAGOON GUARDS.

THE ROBERTSON COURT MARTIAL.

AUTHENTIC

REPORT OF THE TRIAL

(BY COURT MARTIAL)

OF

CAPTAIN A. M. ROBERTSON,

Fourth (Royal Irish) Dragoon Guards,

HELD AT THE ROYAL BARRACKS, DUBLIN, ON THE 6TH OF FEBRUARY. 1862.
AND FOLLOWING DAYS.

WITH PORTRAITS.

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1862.

President.

BRIGADIER-GENERAL THE HONORABLE A. GORDON, C.B.

Members.

COLONEL PHILPOTS, R.H.A.

LIEUTENANT-COLONEL FITZWIGRAM, 15th Hussars.

LIEUTENANT-COLONEL BEST, 86th Foot.

LIEUTENANT-COLONEL GOODLAKE, Coldstream Guards.

LIEUTENANT-COLONEL THE HONORABLE R. M. MONCTON, 3rd Hussars.

LIEUTENANT-COLONEL FRAZER, 11th Hussars.

LIEUTENANT-COLONEL NEED, 14th Hussars.

MAJOR HAMILTON, 87th Foot.

MAJOR COBBE, 87th Foot.

MAJOR NEWTON, R.H.A.

MAJOR ARBUTHNOT, R.H.A.

MAJOR ROE, 1st Battalion 11th Foot.

MAJOR PARISH, 45th Foot.

MAJOR NEVILLE, 4th Foot.

Officiating Judge Advocate.

BREVET-MAJOR C. DARBY, 86th Foot.

COLONEL BROWNRIGG, C.B., D.A.G., was present as the Prosecutor.

Mr. SERGEANT SULLIVAN and Mr. CHARLES H. TANDY, as Counsel, instructed by Mr. WM. MILWARD JONES, of the Firm of Nunn and Jones, Solicitors, appeared for CAPTAIN ROBERTSON.

COURT-MARTIAL ON CAPTAIN ROBERTSON.

A GENERAL court-martial was opened on the 6th February, 1862, in the Victoria Library Room, Royal Barracks, Dublin, to inquire into certain charges preferred against Captain A. M. Robertson, 4th Dragoon Guards.

During the progress of the trial, which was an unusually protracted one, the utmost interest prevailed in both civil and military circles. Throughout the entire proceedings the same interest continued to be felt, and the issue was awaited with the greatest anxiety.

The following are the charges :—

“ First Charge—For conduct unbecoming the character of an officer and a gentleman, and to the prejudice of good order and military discipline, in having, after being grossly and publicly insulted by Colonel Dickson, in London, at the Army and Navy Club, on the 17th of October, 1860, and after not succeeding in his endeavour to obtain an apology or redress for the same, and to have the difference adjusted between them, failed to comply with the provisions of the 17th Article of War in not submitting the matter to be dealt with by superior military authority.

“ Second Charge—For character unbecoming the character of an officer and a gentleman, and to the prejudice of good order and military discipline, in having, after being grossly and publicly insulted by Colonel Dickson, in London, at the Army and Navy Club, on the 17th October, 1860, and after not succeeding in his endeavour to obtain an apology or redress for the same, and to have the difference adjusted between them, failed to take the proper lawful steps to vindicate his character.

“ Third Charge—For having behaved in a scandalous manner, unbecoming an officer and a gentleman, in having stated, in a letter addressed by him to Major-General Forster, Military Secretary, and bearing date the 4th October, 1861, that he had submitted his application to retire from the army by the sale of his commission, ‘entirely through intimidation,’ he, the said Captain Robertson, then well knowing the said statement to be false.

By order,

“ J. S. BROWNIGG, D.A.G.

“ Adjutant-General’s Office, Dublin, Feb. 9, 1862.”

A Captain of the 11th Hussars conducted Captain Robertson to the court.

The official order from General Sir George Brown, directing the holding of the Court, having been read by the Judge-Advocate, that officer, by direction of the President, asked Captain Robertson if he objected to be tried by any of the officers named?

Captain Robertson replied that he had no objection to make to any of the officers forming the Court.

The President and members of the Court, as well as the Judge-Advocate, were then sworn in the manner prescribed by the Articles of War.

The court was then cleared, and on its opening,

The President asked Captain Robertson if he had any papers to hand in to the Court? upon which

Captain Robertson handed in a document, which was read by the Judge-Advocate, as follows :—

“ I respectfully ask the Court to adjourn my trial until Monday next. Through some misapprehension, both my legal advisers and myself were under the impression that the Court could not be assembled at such an early period as this day. As my character and honour are imperilled by the serious charges which have been pre-

ferred against me, I have thought it necessary to engage professional assistance to aid me in my defence, and, in consequence of the misapprehension to which I have alluded, my advisers are not prepared to meet the case on this day, or bestow upon it the attention and care which are essential for my protection, and, having entrusted the matter to their hands, I am wholly unable to conduct my own defence. I am informed by them that they have made such arrangements as will enable them to be present on Monday next. I, therefore, under these peculiar circumstances, trust that the Court will not now enter into the inquiry, but will grant me an adjournment until that day. I may be permitted to add that the list of the names of witnesses proposed to be examined in support of the charges was not delivered to me until the evening of Tuesday last, the 4th instant.

Captain Robertson, by direction of the President, affixed his signature to the document.

After a further adjournment,

The President informed Captain Robertson that the Court had taken his application into consideration, and had decided on adjourning the trial until Monday, February 10th.

The President said before the Court adjourned he wished to say to Captain Robertson, as he had professional gentlemen concerned for him, he was of course, aware that all statements to the Court must come through himself.

Captain Robertson said he was aware of this.

SECOND DAY—MONDAY, FEBRUARY 10TH.

The President asked Captain Robertson if he was ready to proceed with the trial, and he replied in the affirmative.

The President then directed the witnesses on both sides to withdraw, intimating to both parties that it was for their interest to see that none of their witnesses remained in court during the proceedings, as if they did they would be disqualified from giving evidence.

The charges on which Captain Robertson was arraigned were then read.

The Judge Advocate: Captain Robertson, how say you with regard to the first charge—are you guilty or not guilty?

Captain Robertson: I wish to read my plea (holding up a written paper).

The President: That depends entirely on the length of it, and what it contains. It seems rather long. You have only to say guilty or not guilty; or if you have anything to plead against the trial, that is a separate thing.

Captain Robertson: Shall I hand it to the Judge Advocate?

President: Yes. My only object is to keep within the proper forms.

Captain Robertson then handed the paper to the Judge Advocate, who, after reading it, said—It is rather long, and I do not think the court should permit it to be received as a plea. It is not a plea in bar of the trial.

President: If it is not a plea in bar, I do not think it can be received.

Captain Robertson then pleaded "not guilty" to the three charges severally, and added a written request—I respectfully ask the court to record my pleas as written, and let them be appended to the proceedings.

The Judge Advocate then read the paper handed in as follows:—"With respect to the first charge, I respectfully submit that the 17th Article of War, upon which this charge purports to be founded, is not mandatory in its provisions, and does not create or point at any offence for which I can be tried by court-martial; and that non-compliance with the course to which approbation is thereby accorded in the case stated in the said charge does not and cannot constitute conduct unbecoming the character of an officer and a gentleman, and to the prejudice of good order and military discipline. And I further respectfully submit that the charge as now preferred is vague and uncertain, and not within the said Article of War. But, inasmuch as I am most anxious that my defence on this trial should not rest on any matter having even the appearance of technicality, I invite the fullest investigation into every circumstance connected with the transactions out of which the said charge has arisen, and I therefore say that I am not guilty of it. And with respect to the second charge now preferred against me, which for the first time I was informed of yesterday (Sunday, the 9th day of February, 1862), I respectfully submit that the same is not within any of the Articles of War, and is not cognizable by court-martial; and that the same is so vague and uncertain as to render it unfairly embarrassing to the

person charged therewith. But for the reasons already stated by me, in my answer to the first charge, I say that I am not guilty of it. And to the third charge I say that I am not guilty of it.

"Monday, 10th February, 1862."

"ARTHUR M. ROBERTSON,
Captain 4th Dragoon Guards.

The President: I see no objection to that if the other members of the court do not. The court was then cleared, after which

The President said: The court have decided on allowing your written paper to be attached to the proceedings. There is one point more. The court proposes to take the two first charges first, and not to enter upon the third charge until after the evidence upon the two first has been completed, and for this reason—the witness to the third charge is the prosecutor; and unless that course is adopted we shall be obliged to swear the prosecutor and take his evidence upon the third charge first of all. You will have to cross-examine him then; and we should then have to revert to the other two charges, and all that time the first evidence of the third charge will be standing over. That would be inconvenient to the court and I think to yourself. If you have any objection to that course, you will consult your friends.

Captain Robertson: I have no objection.

President: If you have no objection, I think it will facilitate matters on your part as well as on ours. You will understand, Captain Robertson, that Colonel Brownrigg will be sworn at the latter stage of the proceedings.

Captain Robertson: Yes, sir.

Colonel Brownrigg then read a statement. He said he was in attendance by order of the military authorities to conduct the prosecution, and prefer those charges against Captain Robertson, the prisoner before the court. One great singularity in the case about to be submitted to them was the extraordinary length of time that had elapsed since the occurrence of the circumstances which led to the two first charges on which the prisoner was now arraigned. This delay, however, has been entirely in favour of the prisoner. It would be advisable, in the first instance, to explain the circumstances under which the military authorities in this country became cognizant of that conduct on the part of Captain Robertson which had led to the Court being assembled there. On or about the 30th of September, Colonel Bentinck, commander of the 4th Dragoon Guards, called at his office and requested him to peruse certain letters which he placed in his hands. A very cursory glance at these letters showed him that he could not but take official cognizance of them. On mentioning that fact to Colonel Bentinck, he told him his object was to elicit his official opinion as to the course to be pursued with regard to them. Accordingly he read them carefully over, and found that they contained charges of so serious a nature against Captain Robertson, that he deemed it his duty to lay the whole matter before the General Commanding the Forces in Ireland, with a view to obtaining his instructions. The result was, that he telegraphed to Captain Robertson, desiring him to attend at his office on the following day, which he did. He then communicated to him the decision arrived at by Lieutenant-General Sir George Brown, after a careful consideration of the documents before alluded to, and in the following manner. He informed Captain Robertson that the allegations against him contained in the correspondence must be either true or false. That if they were true, he had conducted himself in such a manner as showed that he was unfit to hold a commission in her Majesty's army; and that if, on the other hand, they were false, it appeared to Lieutenant-General Sir George Brown that the only means that now existed of establishing their falsehood, and of vindicating Captain Robertson's character, was an appeal to a general court-martial. That under these circumstances it was for him to decide whether he would apply for permission to retire from the service by the sale of his commission, or whether he would submit the matter to the investigation of a court martial; but that it had been going on for so long a time, and he appeared so determined not to give any satisfactory explanation of his conduct to the commanding officer in relation to a gross insult and threat of personal chastisement offered to him, that he must at once come to a decision, and adopt the one alternative or the other. At first there was some hesitation on the part of Captain Robertson, and he hoped that some longer time might be afforded to consider the matter. He told him, however, that Sir George Brown could not consent to any further delay, and that such delay was obviously unnecessary after the statement made by him in two of his letters, in one of which, dated the 20th May, 1861, in reply to a letter dated the 15th of the same month, addressed to him by Major Jones, of the 4th Dragoon Guards, he stated, in reference to the insult offered to him, "I am now, however, determined either to have an apology or to obtain satis-

faction in full." In another letter of the 4th of July, 1861, in reply to one also from Major Jones, in which he was called on to state what steps he had taken in reference to his promise contained in his former letter of May, he said, "I decline having any further communication with any one on that subject, either now or at any future period." With those letters in Captain Robertson's handwriting before him, he told Captain Robertson that further delay was unreasonable, and that he must at once make up his mind either to submit to be placed under arrest, with a view to charges being framed against him by the commanding officer, or apply for permission to retire from the service. At the same time he repeatedly told Captain Robertson that he should distinctly understand that Sir George Brown had no desire to influence his decision either way, and that it was a question he was to decide entirely from himself, and be guided solely by his own feelings. He was anxious here to impress on the Court that in his conversations with Captain Robertson he was especially careful of what he said, in consequence of circumstances regarding that officer which had come to his knowledge, and that he cautiously abstained from any expression which could in the remotest manner intimidate him in the decision to which he might come. After he had communicated with Captain Robertson in the manner he stated, he requested to retire for a short period, which he did; and on his return to his room in ten minutes afterwards, he announced that after due consideration he had decided upon retiring from the service. He said to him, "Now remember, Captain Robertson, I am to understand that this is your deliberate decision, founded on your own unbiased judgment, without any pressure;" and he said, "Yes, certainly." He then went into the next room to write his application for leave to retire from the service, having first asked him to do it for him, which he declined; and he then told him if he had made up his mind to retire from the service by the sale of his commission he had better add in his letter that he was willing to wait for the price of a cornetcy without interest; and he said, "Yes, I understand that." In a short time he returned with the letter, and having handed it to him, he addressed himself to Colonel Bentinck, requesting that he would recommend him for an adjutancy in a yeomanry corps. He was further prepared to prove that pending his request to retire, Captain Robertson requested leave of absence, and that he then returned to Newbridge, commenced to negotiate the sale of his commission with two officers, and when he failed to induce them to become purchasers, he made the unfounded statement which formed the third charge—namely, that it was entirely through intimidation that he had applied for permission to retire from the service. He had thought it advisable to enter thus fully into the particulars of the third charge, as to which he was himself a witness. He knew nothing himself of the matters which constituted the first and the second charges. The circumstances connected with the latter were the following:—On the 17th of October, 1860, Colonel Dickson, in the presence of Captain Durant, publicly insulted the prisoner in the Army and Navy Club in London, by accusing him of blackguard and cowardly conduct, and by shaking his fist before him, and threatening to horsewhip him. The prisoner employed Captain Henry to obtain an apology or redress, but failed in obtaining either; and up to this time the prisoner had neglected to place the matter in the hands of his commanding officer, in order that it might be dealt with by him, and to take the proper and lawful steps to vindicate his honour and character. The mode in which he proposed to prove the first and second charges were—first, by calling in Colonel Bentinck, the prisoner's commanding officer, who would prove that on or about the 9th May, 1861, he first became accidentally aware of what occurred seven months before; and that during the interval the prisoner had repeated opportunities of placing the matter in the hands of his commanding officer, and that he had failed to obtain the redress and apology which it was his duty to demand. His course of action, however, which was clearly pointed out to the prisoner by the 17th article of war, was entirely neglected; and he remained contented to submit to the epithets of "coward" and "blackguard," as applied to him, and the threats which had been used, until, in consequence of the perpetrator of those insults, Colonel Dickson, having alluded to them to Colonel Bentinck, the prisoner was first called upon for an explanation. Major Jones would prove that by order of the commanding officer he wrote to Captain Robertson on the 15th of May, 1861, for the explanation; and he would prove the receipt of a letter, in reply from the prisoner, dated the 20th of May, which would be laid before the Court. In that letter the prisoner declared with graphic distinctness the whole catalogue of insults he had received from Colonel Dickson. He stated the means adopted by him to obtain an apology from his insulter, and Colonel Dickson's distinct refusal to have anything to say to him; and he concluded his letter by expressing a determination to extort an ample

apology, or to obtain some settlement. In July, nine months after infliction of the insult, and the endurance of the epithets of blackguard and coward, this officer, holding her Majesty's commission, was still without explanation, apology, or redress. He had failed by his own means, or those of his friends, to adjust the difference; and he had made no attempt whatever to vindicate his honour by the obvious remedy framed to meet his case—namely, by submitting the matter to his commanding officer. Notwithstanding that, and the disgrace that must inevitably attach to a regiment comprising him, there was still open to him a *locus penitentiae*—there was still a city of refuge for him to flee to, for again in July, 1861, Major Jones wrote to him asking in what manner he had attempted to obtain an apology. On the 4th of July he wrote an answer, in which he summarily disposed of the matter, by declining any further communication about it. He certainly condescended to give a reason for that, which was, that the subject had been laid before the Lieutenant-General commanding the district. It was, therefore, necessary to explain, as he should do by the evidence of Colonel Bentinck, that the prisoner alluded to the fact of the General Officer commanding the district in which he was then serving having declined to order the assembling of a court of inquiry to examine into the case, for the plain reason that nothing could be elicited by such a procedure, as neither Colonel Dickson nor Captain Durant, nor another witness, could consent to attend—a fact of which Captain Robertson was aware. It would appear that about the time the prisoner declined any further communication, Colonel Bentinck was on leave of absence, but on his return he again took up the matter, and after communication with his military superiors, was advised to bring the prisoner's conduct under the notice of the Inspector-General of Cavalry. The 4th Dragoon Guards were then going to Ireland, and their inspection was postponed until after their arrival in this country, and then the matter was brought under consideration, as he had already explained. Considering the gravity of the matter, that it had hung over for so long a time, and had been productive of so much scandal, the General Officer commanding in Ireland did not feel disposed to allow another day to pass, and therefore directed him to take the steps which had been taken. After the prisoner had been granted the indulgence of leave of absence pending his retirement from the service, by the mis-statement contained in his letter to the Military Secretary of the 4th of October, 1861, he induced the Commander-in-Chief to delay the steps in progress for his leaving the army; and on this coming to the knowledge of Sir George Brown, he directed that no more leave should be given to the prisoner, but that he should be ordered at once to join his corps for the purpose of having charges brought against him. The prisoner, however, pleaded sickness, and obtained two months leave of absence on the recommendation of the Medical Board. On his return he was placed under arrest, and proceedings were forthwith instituted against him for his trial by this court-martial. Mr. President and members—Colonel Brownrigg continued—the alterations which of late years have been made in the military code in reference to those cases where an officer may have had the misfortune of either giving or receiving offence, injury, or insult, have had the effect more than ever of making a court-martial a court of honor; and therefore it is a matter of congratulation to me that this Court is composed of officers of high character and military experience; and it becomes almost superfluous to point out to you the necessity of excluding from your thoughts, and, if possible, from your memories, the remarks made in reference to this matter by the public press. I believe the present case is the first instance of an officer being brought to trial under the 17th article of war as well as the 109th. The former article was framed expressly for the purpose of removing all possible pretext for an officer to fight a duel with another officer or with any other person. Its wording with this view is so plain and precise that it cannot be misconstrued; and I must especially call the notice of the Court to this fact, inasmuch as the prisoner attempts to exculpate himself by the appearance of having challenged his accuser to a hostile meeting; whereas this fact, if proved, would render the prisoner amenable to another charge, but would in no way relieve him from the present charge. The prisoner now is charged, not for not fighting a duel, but for having neglected to report to his commanding officer, for having failed to obtain an apology, and for having neglected to vindicate his character. It is not for us soldiers to raise any question as to whether that 17th article of war is good or bad, or whether it suits the requirements of the army or not. It is framed for our rule and guidance; it declares the wishes of our Sovereign, which should be law to an officer and a gentleman; and it is for us to comply with its provisions, and to administer justice. In the course of the proceedings I shall, if necessary, appeal to the Court to exclude from

the evidence on every side all matters not strictly relevant to the charges on which the prisoner is arraigned. As prosecutor it is my duty to bring the charges before the Court, and on the facts the Court will form its own conclusion. If I succeed in establishing the two first charges it will be for you to decide whether my proofs amount to a conclusion against the prisoner of conduct unbecoming the character of an officer and a gentleman. I am prepared to prove, with regard to the third charge, that no intimidation whatever was used to induce the prisoner to retire from the army; that he himself assured me that his application so to retire was the result of his own decision, without any pressure or threat of evil consequences; and that therefore the allegation contained in his letter addressed to Major-General Forster, dated 4th October, 1861, was untrue. It is for the Court, with these facts, to pronounce whether this conduct is scandalous and infamous, and whether he has or has not been guilty of falsehood. I cannot conclude this address without expressing how extremely distasteful it is to me to appear, for the first, and I hope the last time, as prosecutor against an officer; and I venture to add that I have not the slightest personal interest in the result of this trial beyond those of maintaining the discipline and upholding the character of the British army, and that I undertook the present disagreeable duty by the orders of my military superiors.

Captain Robertson applied for a copy of Colonel Brownrigg's statement.

Colonel Brownrigg objected.

The court was cleared, after which

The President intimated that the Court thought it but fair to grant a copy of the document to Captain Robertson, but they would not adjourn the proceedings for the purpose.

Colonel Brownrigg: I must again protest against his receiving the statement. My name is attached to it, and I know not what use the prisoner may make of it. It contains serious allegations against the prisoner, and I think he should not get it. I might have spoken the matter if I wished.

The President said that Colonel Brownrigg's protest had been already entered. It would be entered again, but the Court thought it fair to grant the statement.

Colonel Brownrigg repeated his request that his protest should be entered.

The President then intimated to Colonel Brownrigg that he was at liberty to call Colonel Bentinck, as he desired to examine him first.

Captain Robertson: If Colonel Bentinck is to be examined first, I would ask that his evidence be confined to the first two charges.

The President: No doubt; we have so arranged.

Colonel Bentinck sworn and examined: On the 9th of May, 1861, I was walking in Rotten-row, when I met Colonel Dickson, with whom I was personally acquainted; in the course of conversation he informed me that he had occasion to use the following expressions towards the prisoner in the Army and Navy Club, London.

The President: I think we should get those expressions from Colonel Dickson himself.

Colonel Brownrigg: I am prepared to prove that the first knowledge Colonel Bentinck had of the matter was through Colonel Dickson.

After some discussion Colonel Bentinck resumed: He informed me that he had occasion, at the Army and Navy Club, on or about the 17th October, 1860, Captain Durant and another gentleman named Cooper, I believe, being present, to make use of the following expressions—

The President: You may mention the nature of what Colonel Dickson brought to your notice, but you are not to state the words.

Colonel Bentinck: He said he called him guilty of cowardly and blackguard conduct, and when he had finished some legal proceedings that were pending between them he threatened to come down to Birmingham and horsewhip him in the presence of his regiment; he also made use of expressions towards the prisoner which, being of a private nature, I do not think myself justified in repeating. Colonel Dickson, at the time when he made that observation to me, requested that I would consider it confidential; I told him that that was a matter for consideration, and fortunately met him again the same afternoon in Piccadilly; I begged of him to repeat the observations which he made in the morning, which he did, and I then told him I should consider it my duty to call upon the prisoner for an explanation; on my return to the regiment two days afterwards, at Birmingham, I discovered that Major Jones and Captain Sullivan were already acquainted with the circumstances of the case; on the morning of the 15th of May, 1861, I informed Captain Robertson of the expressions Colonel Dickson had stated he used towards him in the presence of Major Jones and Captain Hunter, and desired him to give me a written explanation of what actually

took place between him and Colonel Dickson on or about the 17th of October, 1860. He forwarded to me a written statement on or about the 22nd of the month, which, I believe, is before the Court.

President: We have nothing before the Court.

Colonel Bentinck: Besides verbally communicating myself, I directed Major Jones to write to him officially, and to give a written statement. Colonel Bentinck then read the letter of Captain Robertson, as follows:—

“Barrack, Birmingham, May 20, 1861.

“SIR,—In reply to your communication of the 15th instant, relative to the insult offered to me by Colonel Dickson at the Army and Navy Club in October last, I have the honour to acquaint you, for the information of Colonel Bentinck and my brother officers, that on or about the 17th of October last, at or about the hour of seven o'clock in the evening, I was at the Army and Navy Club, and saw Lieutenant-Colonel Dickson sitting down in the hall, talking to another gentleman whom I did not know. A short time afterwards I inquired from one of the servants if Colonel Dickson was dining there; and upon receiving an answer in the affirmative, I requested to know if his dinner was finished, and received a reply that he and the gentlemen he was dining with were at their wine. I then sent a message to Colonel Dickson, requesting an interview of a few minutes on business, and the reply was that anything I had to communicate could be done in writing. I am not quite certain if I sent another verbal message, but I eventually sent a (written) request for an interview, but received no answer. About three-quarters of an hour afterwards I was sitting in the hall of the club, when Colonel Dickson came across to where I was. I immediately apologised to him for disturbing him at dinner, and said that I was anxious to know when some legal proceedings then pending between us would be settled, it having been going on for a long period. His answer was, that they would be soon settled, and he added, ‘When I have settled with you legally, I will settle with you otherwise.’ My answer was, ‘Very well, whenever you please.’ There was no one present during this conversation. Colonel Dickson then crossed the hall to where a friend of his (Captain Durant) was standing, and in a few seconds called out that he wished to speak to me; and upon my going to him, he said to Captain Durant, ‘This is Captain Robertson of the 4th Dragoon Guards—he is a blackguard, and I will horsewhip him before his regiment,’ or words to that effect. My answer to this was, that two can play at that game, and that I should give him as good as he gave me. I then walked away. I now beg to state that Colonel Dickson is trustee of my marriage settlement. On the next morning I met Captain Henry, late of my regiment, in the club, and I explained the whole matter to him, and requested he would act as my friend, to whom for further information I refer you. In conclusion, I beg to state that I was then quite willing and ready to resent the insult. I sent a friend of mine, Mr. Owen, in the absence of Captain Henry, who was unavoidably detained in Ireland, demanding satisfaction, and he distinctly refused, in writing, to have anything whatever to do with me. My firm conviction is, that Colonel Dickson has been and is now sheltering himself under his legal connection with me, and was spreading false reports, with a view to prejudice me in the public opinion; whereas, I have no hesitation in saying, that he was all along really afraid to meet me. I am now determined either to have an ample apology or to obtain satisfaction in full.—I have the honour to be, sir, your obedient servant,

“ARTHUR ROBERTSON, Captain 4th Dragoon Guards.”

Having read the above letter of Captain Robertson, Colonel Bentinck stated that on the day he received it he forwarded it to Colonel Dickson, from whom he received the following reply:—

“London, May 28, 1861.

“SIR,—In acknowledging your letter of the 23rd of May, 1861, and its inclosures, I beg to inform you that I reopen the question between Captain Robertson and myself out of courtesy to Colonel Bentinck, with whom I have been acquainted many years, and not from considering myself in any way obliged to do so after so many months have elapsed since the affair in question took place. With regard to Captain Robertson's statement, I distinctly affirm it to be most inaccurate in many details, and totally and wilfully false in its conclusions. I never refused to meet Captain Robertson. I am fully prepared to do so. He never called me out. I was only asked to withdraw my insulting language and threats, which I refused to do. I waited for further proceedings on his part for several days. Captain Robertson, on the 17th of October, 1860, persisted three times in endeavouring to see me about some business, during the hour I was at dinner, which I declined to do; but he waylaid me in the most offensive manner in the hall of the club while waiting for my friends to go to the opera. I told him

'This is no place for business; you know I have nothing to say to you, but as you have chosen to force yourself on me in this ungentlemanlike way, when I have done with you legally I will horsewhip you for your cowardly and blackguard conduct and your impertinence to myself, if it were to be before your regiment,' and I shook my fist in his face. Captain Durant was close by, and I called him to bear witness to what I said, and I repeated the above language in his presence. It is a deliberate and wilful lie to say that I sheltered myself under any legal connection with Captain Robertson. It is a subterfuge and an afterthought his stating so now; and the rest of his allegation against me is wilfully false, and I treat it with contempt.'

The letter was handed in. The prisoner applied for a copy of the letter.

The President said he saw no objection, and a copy would be supplied.

Colonel Bentinck continued: On receipt of that letter from Colonel Dickson I forwarded these letters and other correspondence to the General Commanding in the district, requesting that a court of inquiry might take place. The answer I received from the Adjutant-General was that a court could not be granted, inasmuch as the witnesses were civilians, and their attendance could not be compelled.

Colonel Bentinck read the reply, which stated that an inquiry would not elicit more about the matter than was already known, and handed in four other documents constituting the remainder of what he forwarded to the commanding officer of the district.

Colonel Bentinck's examination continued: I informed the Assistant Adjutant General that I would not feel myself justified in filing a charge against Captain Robertson unless the case was previously investigated by a court of inquiry, and I beg to state in court that my sole object in reporting the circumstance to the general commanding the district was to give Captain Robertson an opportunity of vindicating his character as an officer and a gentleman.

The President said he thought there was no necessity for stating that.

The Judge Advocate then read over the depositions of Colonel Bentinck.

Colonel Bentinck: It was only on the 9th of May, 1861, that I became acquainted with the nature of the charges preferred against him.

By the Prosecutor: Has Captain Robertson at any time submitted the matter of difference between himself and Colonel Dickson to you in order that it might be dealt with by you as his commanding officer?—No.

Cross-examined by the prisoner: Say when was the first communication which you had with me relative to Colonel Dickson's affair?—I think on the morning of the 15th of May; I might have had one on the evening of the 14th, but to the best of my belief I don't think I had one before the 15th of May, 1861.

Did you tell me to write out a statement of the matter?—I did.

President: Captain Robertson, I don't want to restrict you in your line of examination, but I think this is already on record.

Captain Robertson: I don't wish unnecessarily to take up the time of the Court, but we don't think it is sufficiently on the record for our purpose.

The Judge Advocate then read the portion of Colonel Bentinck's evidence referred to by the question.

Captain Robertson: Is the statement which has been handed to the Court the statement that I made in consequence?

Colonel Bentinck: He commenced making a verbal statement on the morning of the 15th of May, and I begged that he would not enter into it, that I should think it necessary for him to put the statement in writing. I gave him a week to consider, and until that time I begged that he would not associate with the officers, or go into the messroom.

Captain Robertson: I would respectfully suggest to the Court that Colonel Bentinck would answer the question put to him simply.

President: I think Colonel Bentinck is very fairly entitled to go on as he is doing.

Captain Robertson: In that written statement I referred you to a statement of Captain Henry and a letter of Mr. Owen. Is the statement of Captain Henry which you have handed in, that which was referred to by me?—I believe it is so; I am not aware of any other statement of Captain Henry.

Was Mr. Owen's letter enclosed in an appendix to my statement?—No.

Did I state to you on that occasion that I placed myself in the hands of Captain Henry, and had been guided by his advice?—I believe you did.

After reading that statement which I handed to you, did you not tell me that you were not satisfied, and that Captain Henry did not act with sufficient energy, or words to the like purport or effect?—I don't know; I told him I considered his explanation unsatisfactory.

Captain Robertson : Pardon me, sir, that is not a distinct answer to the question.
Colonel Brownrigg : As prosecutor, I don't think the question of Captain Henry's energy has anything to do with the case. I submit that the Judge Advocate has no right to give an opinion as to Captain Henry's energy.

President : It is merely a statement of what passed at the time ; that is the way I interpret it.

Judge Advocate . Is this your answer ?

Colonel Bentinck : I considered his explanation unsatisfactory.

President : Is that your only answer ?

The Judge Advocate again read the question.

President : Have you any recollection of having said that or not ?

Colonel Bentinck : I cannot say that I have any distinct recollection of having said that I considered Captain Henry did not use sufficient energy, but I might have done so.

Captain Robertson : Did you then say to me I should have insisted on Captain Henry sending a challenge to Colonel Dickson on my behalf, or words to the like purport or effect ?

Colonel Brownrigg protested against the witness being obliged to answer that question.

President : I can see no objection to have the question answered.

The court was then cleared, and on its being declared open,

The President said the Court has decided that the question may be put ; but the witness is at liberty to answer it or not, just as he pleases.

The Judge Advocate again read the question.

Colonel Bentinck : I should like to have the previous question asked me ; repeat it again, if you please ?

The Judge Advocate read the previous question, and the answer which had been given to it by the witness.

Colonel Bentinck : I beg leave to state that I have no distinct recollection of making use of all the distinct expressions stated in the question.

Captain Robertson : Have you any recollection ?

Witness : I have answered the question.

President : The question has been answered before, and he has given an answer which he was not obliged to give ; and I think you had better not press it.

THIRD DAY—TUESDAY, FEBRUARY 11TH.

The members of the court having assembled,

Colonel Brownrigg (the prosecutor) said : Before the proceedings commence, I am anxious to expunge from my address one word which entered it rather by a slip of the pen than from any other reason. I was anxious to keep as close to the wording of the charges against the prisoner as possible ; and in that part of my address where I referred to my ability to prove the third charge, I put into the address the words "scandalous and infamous," as characterising the prisoner's conduct should that charge be proved. I am anxious to expunge the word "infamous."

The President : It is not in evidence ; it is merely a statement. (To Captain Robertson)—Have you any objection to its being expunged ?

Captain Robertson : No ; not the slightest.

The President : No ; I should think not. The insertion of the word was an oversight caused by accident.

Captain Robertson : The whole of the prosecutor's statement has appeared in public print.

The President : That is what I gave the caution about. I mentioned that if the publication of the proceedings would be injurious to you, it was hoped that it would not be necessary to prevent it. If you make any application to the court with regard to the publication of the proceedings, the court is quite prepared to consider it. But as to the word alluded to, it amounts to a clerical error, which, I believe, it is usual to correct.

Captain Robertson : I have no objection at all.

The President : Then I shall scratch it out of the document. The President then, addressing the gentlemen of the press present, said the least that could be done was to rectify the error in print.

Captain Robertson : That was my reason for calling the attention of the court to it.

The cross-examination of Colonel Bentinck by the prisoner was then proceeded with.

By desire of the President,

The officiating Judge Advocate read the last question put to the witness in the previous day, as follows:—Have you any recollection of Captain Robertson having told me that I should have insisted on Captain Henry's sending a challenge to Colonel Dickson on my behalf, or any words to a like purport or effect?—I had no distinct recollection on the subject; but, since the close of the proceedings yesterday evening, I have recollected that when the prisoner sought to throw the blame on Captain Henry for not having acted with sufficient energy, I told him that he alone was responsible for the acts of his friend.

Captain Robertson applied that his question should be repeated, and that Colonel Bentinck should be required to answer "yes" or "no" to it.

The President said that the witness had given an answer to a question which he was not bound to answer unless he had chosen to do so. He thought the witness had given as much information as he could. Having the answer of Colonel Bentinck, the prisoner might put any other question he wished; but if he pressed the matter the sense of the court would be taken on it. The simplest way would be to allow the questions to go on as long as possible, and leave the court to supply any deficiency.

Captain Robertson: I will be satisfied if he says that he declines to answer the question.

Colonel Bentinck: I have given the only answer I have to give.

Another question in writing was here put in.

President: The court want to get all the information they can; but I do not think this bears upon the charge against you.

Captain Robertson: I think it does bear on the origin of those proceedings.

President: No; you are not tried for sending or for not sending a challenge.

Captain Robertson: But I am desirous to have the whole subject considered.

President: I will take the sense of the court upon it. Let the court be cleared.

The court was then cleared, and the members remained in consultation for a considerable period.

On resuming,

The President said: Captain Robertson, the court have decided that the question you wish to put is inadmissible, and they request that you will in any future question confine yourself as much as possible to the two first charges.

Captain Robertson: I wish that question should be recorded.

President: The court have decided that the question is not admissible, and that it should not appear on the proceedings.

Captain Robertson: And is it not to be recorded?

President: It cannot be recorded.

Captain Robertson handed another question to the President, but it was not received by the court, and accordingly was not read.

Cross-examination resumed: Did you tell me that Colonel Dickson's refusal to appear before a court of inquiry was in my favour, that he (Colonel Dickson) was wrong, and that you would tell him so?—I did tell the prisoner that Colonel Dickson did refuse to appear before a court of inquiry; but regarding that part of the question was in my favour, I have rather a doubt about saying so. I have no doubt I might have said so. I perfectly remember telling the prisoner that Colonel Dickson refused to appear before a court of inquiry.

President: Did you ever tell Captain Robertson that you thought Colonel Dickson was in the wrong?

Colonel Bentinck: For not appearing before the court of inquiry?

President: In any form?

Colonel Bentinck: I certainly think that Colonel Dickson was wrong in not appearing before a court of inquiry.

President: Did you tell him so?

Colonel Bentinck: I have no doubt that I did.

President: Did you say you would tell him so? I did tell Colonel Dickson so; I have no doubt I told Captain Robertson; I did tell Colonel Dickson that I thought he was wrong in not appearing before the Court of Inquiry.

Cross-examination by the Prisoner resumed: Did you lay the matter before his Royal Highness the Commander-in-Chief?—I laid it before the General commanding the district; that was the only official course I took before I laid it before the military authorities in Ireland; but I suppose it was laid before the Commander-in-Chief.

President: What I want to know is, did you ever lay it before the Commander-in-Chief by letter or personally?—No.

By the Prisoner: Did you receive any communication to the effect that his Royal Highness could do nothing without further information, or anything to the like effect?—I did.

Did I afterwards tell you that I had sent Mr. Owen, of the 2nd Cheshire Militia, and that Colonel Dickson again refused to see him?—No.

Did I tell you about the end of May, or the beginning of June, 1861, that Mr. Owen wrote to Colonel Dickson, telling him that he would be posted?—No.

Did you, in or about May or June, 1861, advise me to get a list of the Army and Navy Club, and of the Junior United Service Club, and to have a printed circular struck off and sent to each of the members?—I did.

Did I ask you what you were to put into the circular, and did you reply that you could not tell me, but to make it short and to the point, or words to that effect?—You never asked me; I recommended you.

Did I show you the notice which, in pursuance of your advice, I drew up to be sent to the Club?

Colonel Bentinck: Was sent, or to be sent?

President: To be sent. Was this about May, 1861?

Captain Robertson: About the end of May or the beginning of June.

Colonel Bentinck: About the end of May or the beginning of June you showed me a notice that you had sent to some club—not that you were about to send, but that you had sent—which I disapproved of.

Did you remark that it was not half strong enough, not the thing at all, and that it would not do, or words to that effect? I told you I thought it was no use; it was perfectly useless.

President: Did you say anything about it not being strong enough?—I told him I thought it was no use.

President: Yes; but have you any recollection of saying that it was not half strong enough?—I don't recollect anything at all; the circular was sent to the secretary of the club, and not to the club; I therefore thought it was perfectly useless, and that the members of the club would take no notice of it.

President: Your answer is that you thought it was no use because it was sent to the secretary of the club?—I told him it was no use.

President: But you don't recollect saying it was not half strong enough?—I don't recollect; I said it was useless sending it to the secretary of the club.

President: The question is, whether you remarked to Captain Robertson that it was not half strong enough. Have you any recollection of saying that? if you have, only say so?—I do not recollect it.

The President said the next question handed in had been already answered, and he could not allow the time of the public service to be thus taken up.

Captain Robertson: I respectfully submit that this question should be put.

President: I don't think I am justified in taking up the time of the Court.

The three previous questions were then read by the Judge Advocate, at the desire of the President.

President: Captain Robertson, you must bear in mind that before a court-martial, when an officer states a reason for anything, that is enough.

Captain Robertson: If the Court take it in that sense, I am perfectly satisfied, and withdraw the question.

Cross-examination resumed: Is not this a copy of the notice I showed you?—It is a copy; I know what it is; I never objected to the notice.

Did you understand from me that the notice was sent to the secretary, in order to be laid before the committee of the club, and posted in the public room?—I did.

The Judge Advocate then read the notice as follows:—

“NOTICE.

“Lieutenant-Colonel Dickson, late Swiss Legion, having grossly insulted me at the Army and Navy Club, in October last, and since then having spread reports that I had not taken sufficient notice of it, I consider those reports detrimental to my character as an officer and a gentleman. I beg to state for the benefit of the officers of her Majesty's service, that it was entirely a mistake on the part of my friend who acted for me, and who distinctly understood that Colonel Dickson would not give me satisfaction until some legal transactions between us were settled, or he would then have received a challenge from me. However, since then I heard of the reports circulated by Colonel Dickson, and I twice sent a friend of mine to demand satisfaction from Colonel Dickson for the insult he offered to me. Each time I received a positive refusal from him to have anything to say to me. He has since been asked to

appear before a Court of Inquiry against me, but he declined to do so. I can only add, that I consider Colonel Dickson's conduct throughout has not been that of a gentleman in any sense of the word.

"(Signed),

A. M. ROBERTSON, 4th Dragoon Guards.

"The Barracks, Birmingham, Jan. 14, 1861."

Cross-examination resumed: Did I never show you the letter which I wrote to the secretary of the club, accompanying the notice, and a copy of which I now hand you?—You showed me this note at the same time that you informed me that you sent it to the secretary of the club.

The President read the note as follows:—

"The Barracks, Birmingham, June 14, 1861.

"SIR,—I have the honour to request you will have the enclosed notice laid before the Committee of the Army and Navy Club, and then have it posted in the public room.—I remain, sir, your obedient servant,

"ARTHUR M. ROBERTSON, Captain, 4th Dragoon Guards.

"The Secretary, Army and Navy Club."

Captain Robertson: Did you ever complain to me for not having submitted the matter between me and Colonel Dickson to be dealt with by you?—I have no doubt I did, but I cannot say when.

This closed the cross-examination of Colonel Bentinck.

President—Can you produce a letter which you wrote on the 21st June, 1861, to the Assistant Adjutant-General, reporting Captain Robertson's conduct?—I can.

(The letter was produced and read by the Judge Advocate.)

Did Captain Robertson continue at his duty after you informed the General Commanding the Northern District that you declined preferring any charges against him?—He did; he performed all his duties.

What was the reason of your withdrawing your prohibition against Captain Robertson's entering the mess-room?—Because after I had forwarded the matter to the General commanding the district, I considered the responsibility was in a certain manner taken off my hands, and that it would have been an arbitrary measure on my part to continue the prohibition.

Colonel Brownrigg: I wish to ask Colonel Bentinck can he verify this document as a true copy of a letter written by his order, by Major Jones, to the prisoner, and this as a copy of the reply?

The Court declined to allow the question to be put, as the documents were not in evidence.

Lieutenant-Colonel Charles Sheffield Dickson was next called. He said, on coming forward—My name has been used in an unwarrantable manner in the first charge, and I protest against it. I beg to state, also, that I am an unwilling witness.

The examination of the witness by the Deputy Adjutant-General was then proceeded with.

Do you remember seeing Captain Robertson in the Army and Navy Club on or about the 17th October, 1860? Yes.

Be pleased to state to the Court what occurred on that occasion?—On that day I was invited to dine with Captain Durant at the Army and Navy Club; in the course of the evening I saw Captain Robertson in the hall; I took no notice of him, as we had not been on speaking terms for some months; I had not sat down to dinner more than for five minutes before the waiter brought me a message to say that Captain Robertson requested to see me; I told the waiter to give him my compliments, and say that any communication must be made through his lawyers, and that I refused to see him; in about twenty-five minutes afterwards the waiter came in with a similar message, to which I replied in a similar way; about twenty minutes afterwards I was leaving the dining-room, and at the passage door I met a waiter, who said Captain Robertson wanted to see me, and had told him to give me a note. I took the note from the waiter, and told him I could not see or speak with Captain Robertson. On proceeding across the hall to get my hat and coat to go to the opera, Captain Robertson waylaid me, and asked me in an offensive manner when some business was to be settled? I said, "This is no place to speak about business, and I told you before I would have nothing to say to it except through the lawyers;" he then insisted on continuing the conversation, and I said, "When I'm done with you legally, I'll settle with you personally—I'll horsewhip you for your impertinence to me personally, and for your cowardly and blackguard conduct to"—certain persons whom I named; Captain Durant then passed by where I was; I called to him and said, "Bear witness to what I say—this is Captain Robertson, 4th Dragoon Guards, and I tell him again that I'll horsewhip him; when I settle with him legally I'll

horsewhip him," making use of the same words as before ; when I said this, Captain Robertson said, "Two can play at that," or words to that effect; I said, "Very well," and left the Club ; the following day Captain Durant came to me about two o'clock, and said he had seen Captain Henry, who had come from Captain Robertson to request that I would apologise and withdraw my threats ; this I distinctly refused to do ; all the regret I expressed was that such a thing should have occurred while I was Captain Durant's guest ; Captain Henry came to me again and said that my reply was not satisfactory ; I said I had none other to give, that I was ready to take the consequences ; I remained in town as well as Captain Durant for several days to see if ulterior proceedings were taken by Captain Robertson ; no ulterior proceedings were taken ; about six months afterwards a Mr. Owen wrote to me, requesting an interview ; I wrote back again, saying I had not the pleasure of his acquaintance, and that I wanted to know what he wanted the interview with me for ; he replied that it was about Captain Robertson's affair ; I declined to see him respecting the affair ; on the 9th May, I was riding through Rotten-row, Hyde Park, London, when Colonel Bentinck stopped me, and made a communication respecting Captain Robertson not to his advantage ; upon that I spoke to Colonel Bentinck about my quarrel with Captain Robertson on the 17th October, 1860 ; about the end of June, I received a second note from Mr. Owen, requesting an interview, which I refused to grant ; he then wrote, calling upon me to apologise to Captain Robertson, or to name a friend ; acting by the advice of Captain Durant, I refused both times—in March and in June—to re-open the question, or to see Mr. Owen at all ; in June I said it was not customary after eight months to re-open the question ; I beg to add that there is no legal impediment, and never was, to my meeting Captain Robertson ; the statement made by Captain Robertson "that I was sheltering myself under legal impediments" is decidedly false ; I was asked to attend a Court of Inquiry in June, 1861, which I refused to do ; the question of my meeting Captain Robertson was never mooted in October, 1860, though I remained in town several days.

Cross-examined by the Prisoner : Did Mr. Owen the first time he went to you send you a copy of a letter of the 23rd May, 1861, which was from Captain Henry to Mr. Owen?—No ; I think it was on the second time.

Did you tell Captain Durant in March, 1861, that Mr. Owen had called on you in my behalf?—I mentioned the circumstance to Captain Durant ; it was by his advice I was acting all through.

Were you at the time of the occurrence between you and me on the 17th October, 1861, a trustee of my marriage settlement?—I was.

The President : When you said that Captain Robertson waylaid you offensively at the Army and Navy Club, in what did you mean his offensive manner to consist? Was it in his language or in his demeanour?—In demeanour ; it was not a polite way of asking the question which he put to me.

You stated in your evidence that you told Captain Robertson, that when you were done with him legally you would settle with him personally, and you afterwards stated that there was no legal impediment to your meeting him ; how do you reconcile those apparently contradictory statements?—In the first place, I do not admit that there is any contradiction between the statements. In the first instance, I meant that when he had signed a release of his property, of which I am trustee, that I would then wash my hands of him and horsewhip him. I did not consider that a legal impediment at all.

It meant that you would not take any steps till the legal matters were settled?—Yes ; and then I said I would horsewhip him.

Then it was a legal impediment? There was no legal impediment ; it may be inferred so, but it is not the case.

Then, why did you make use of the expression? Give any answer you like to the question.—I do not see that there is any contradiction ; my second allusion to the legal impediment was, that I was not bound over to keep the peace. When a man is another man's trustee, it does not follow that he is not to fall out with him.

FOURTH DAY.—WEDNESDAY, FEBRUARY 12TH.

Colonel Bentinck was called and examined in reference to documents on his former oath. He produced the six inclosures contained in the letter of the Assistant Adjutant-General. Three of the documents were marked A, B, and C ; two of the letters were from Captain Durant, and one from Major Jones, 4th Dragoon

Guards, dated 15th May. He said: I wish to make an observation relative to the question whether Captain Robertson did not inform me that Mr. Owen had written to Colonel Dickson in March, demanding an explanation. Allow me to refer back to the question. My answer was "No," and I find by a communication which I received from Captain Robertson, that I was in error when I stated "No." The question put by Captain Robertson was: "Did I afterwards tell you that I sent Mr. Owen, of the 2nd Cheshire Militia, to Colonel Dickson, and that Colonel Dickson refused to see him?"

The President: Captain Robertson, have you any objection to have the answer altered and the letter put in?

Captain Robertson: None, sir.

Colonel Bentinck: I beg leave to say that I made a wrong statement, which I wish to correct. I beg leave to state that Captain Robertson did inform me by the accompanying letter received from him, marked "private":—

"Birmingham Barracks, Sunday Morning.

"MY DEAR COLONEL: I have just received the following communication from Mr. Owen, which I copy word for word from his note: 'I have seen Colonel Dickson to-day (May 25). I sent my card up and he refused to see me. I then wrote a few lines, and said I thought it would be better if he did for us both, but he still refused. I then sent a letter from here, stating that if he would not see me, I requested him either to withdraw the language he used or refer me to a friend; and that if he did not reply to this I was empowered by Captain Robertson to say that he would make the affair public in his own defence. I have just received the following reply—that "there was no other answer."'

President: What is the date of that?

Colonel Bentinck: There is no date except "Sunday morning." (Witness hands in a note from Captain Robertson, enclosing four notes—namely, two from Mr. Owen, dated March 26th and 21st May, and two from Colonel Dickson, both dated 27th March.)

President: Captain Robertson, have you any question to put to Colonel Bentinck in consequence of the statement he has made?

Captain Robertson: No, sir, no question; but may I ask the Court to allow the four notes to be read.

The four enclosures were then read as follow:—

(No. 1.)

Wednesday, 11, St. James's-place.

"Mr. Owen presents his compliments to Colonel Dickson, and begs the favor of an interview. If Colonel D. will let him know at what hour, and where he can see him, he will oblige.

"March 26, 1861."

(No. 2.)

"Colonel Dickson begs to acknowledge the receipt of Mr. Owen's note, and not having the advantage of knowing him, Colonel D. will be obliged by being informed for what reason or purpose an interview is requested.

"March 27, 1861."

(No. 4.)

"Colonel Dickson presents his compliments to Mr. Owen, in answer to his note, begs to decline having any interview whatever relative to Captain Robertson, 4th Dragoon Guards, or to his affairs.

"March 27, 1861."

(No. 5.)

"MY DEAR ROBERTSON: You asked me to let you have the substance of my correspondence with Colonel Dickson on the occasion of my acting as your friend. The following are, as nearly as I can recollect, copies of my letters to him, the answers to which I enclose you.

"Yours faithfully,

"May 21, 1861.

FRED. OWEN."

President: We have got the first letter from Mr. Owen and Colonel Dickson's reply; but we have not got Mr. Owen's reply, although we have Colonel Dickson's answer to it. I should like to see No. 3. No. 5 is dated nearly three months afterwards, and therefore there is a letter missing. In whose custody were these letters?

Colonel Bentinck: In mine, sir.

President: Did not Captain Robertson send you the complete correspondence?

Colonel Bentinck: These are all he sent to me.

Captain Robertson: I kept back no letters forwarded to me; I sent all the letters I received.

A letter from Major Jones to Captain Robertson, dated 2d July, and one from Captain Robertson, dated 14th July, were handed in, and the following letter from Major Jones was read :—

" Birmingham, 14th July, 1861.

" SIR: With reference to the latter paragraph of your letter of 20th May, 1861, on the subject of the gross insult that was passed upon you by Colonel Dickson in the Army and Navy Club in October, 1860, in which you stated—'I am now, however, determined to have an ample apology, or obtain satisfaction in full'—I am desired by Colonel Bentinck to request that you will inform me whether you have received an ample apology or obtained satisfaction in full from Colonel Dickson, agreeable to your determination, as expressed in your letter above quoted, as you have now had ample time to enable you to vindicate your honor as an officer and a gentleman, and to remove from the officers of the regiment the stigma of having amongst them one who has allowed himself to be publicly and grossly insulted, and who, at the end of eight months, has not obtained an apology or satisfaction of any sort, notwithstanding his having stated, in writing, his determination to do so.—I am, sir, your obedient servant,

" THOMAS JONES, Major 4th Dragoon Guards.

" Captain A. M. Robertson, 4th Dragoon Guards."

Captain Robertson, in reply, wrote to say, "As the details mentioned in your letter have been already before the General Commanding the district, and also, I have reason to believe, before higher military authority, I therefore decline to hold any further communication on the subject with any one, either now or at any future time."

Captain Robertson: I find, sir, I have the original letter of Major Jones, which I beg to hand in.

President: You cannot hand in anything now.

Captain Robertson: The dates do not correspond; the date is the 4th of July.

Colonel Dickson was then recalled and examined on his former oath.

President: The Court understood you, Colonel Dickson, to say that you had some letters which you wished to produce?

Colonel Dickson: Yes; I produce a letter which I received from Mr. Owen, dated May 25th, 1861, and its enclosures: I also produce the letters which I received in March, and which the prisoner called for.

The letters were the same as those put in by Colonel Bentinck, but included the letter which ought to have been marked No. 3 in that correspondence. The enclosures consisted of a copy of a note from Captain Henry, dated 23rd March, 1861; from Mr. Owen, dated March 26th, 1861; and also one from Mr. Owen, dated 27th March, 1861. One of Mr. Owen's notes ran to this effect: "Colonel Dickson having again refused Mr. Owen an interview relative to Captain Robertson's affairs, he has no other alternative than to invite and ask Colonel Dickson to withdraw the language he used on the 17th October last, or in the event of not doing this, to name a friend to settle it in another way; and if this is not done, Captain Robertson will make the matter public in order to vindicate his own character."

The following letter from Captain Henry was next read :—

" Birmingham, March 23rd, 1861.

" I beg to state that I most distinctly understood Captain Durant to say, with regard to the affair which occurred between Colonel Dickson and Captain Robertson at the Army and Navy Club, on the 17th October last, that Colonel Dickson would have nothing whatever to do with Captain Robertson in any way whatever until he should have settled some legal transactions then pending between them. In consequence I considered it quite useless to send a challenge, until such times as they could meet without such legal impediment. Had such not been my firm conviction, I am bound to say Captain Robertson would at once have proceeded to take immediate steps to demand satisfaction for the insult offered to him on that occasion, and regret that any misapprehension on my part should have prevented him doing so.

" (Signed)

R. J. HENRY."

And also the following in reply to Colonel Dickson's note :—"Mr. Owen begs to state that the interview requested is on behalf of his friend Captain Robertson, 4th Dragoon Guards."

Cross-examined by the Prisoner: Did you believe that his object was to demand satisfaction from you on my behalf?—I did not then, and I considered Mr. Owen the last person Captain Robertson ought to have sent to me, for private reasons.

What then did you believe that he wanted to see you about in relation to me?

The President objected to the question being put, and it was withdrawn.

Did you send any reply to Mr. Owen's letter of the 25th of May, 1861?—No; I don't think I did to that one?

Captain Durant was then called, but did not appear.

Colonel Brownrigg said he did not think it necessary to call on Captain Durant, and therefore he would not take up the time of the Court. The next witness he should call would be Captain Henry.

Captain Henry, late 4th Dragoon Guards, sworn. The first and second charges were read over for him.

By the Prosecutor: Did Captain Robertson, on the 18th October, 1860, consult you in reference to what had taken place in the Army and Navy Club on the previous day?—Yes.

Be pleased to state to the Court what occurred on that occasion.

Captain Robertson told me that he wished to consult me in reference to an occurrence which took place on the previous evening. He stated that Colonel Dickson, in the hall of the Club, had insulted him. I asked him the circumstances of the case, and having heard his representation, which was that the insult occurred in consequence of some family matters, I declined to have anything to do with it without consulting some other friend. A short time afterwards Colonel Clarke, late of the 14th Light Dragoons, came into the Club. Captain Robertson and I consulted him; and we all agreed that the best course, under the circumstances, would be to endeavour to obtain an apology through Captain Durant, whose guest he was on that occasion, and whom I considered responsible for the conduct of his guest. In consequence, I wrote a letter to Captain Durant, requesting an interview with him, stating the subject, and in consequence I called at his house at two o'clock. We had some conversation on the subject, and I begged that he would either obtain a withdrawal of the language which Colonel Dickson had used, or an apology, which he consented to ask. I engaged to meet him in the Army and Navy Club at four o'clock, at which time he brought me a letter from Colonel Dickson, which I refused to accept as an apology; he then consented, at my request, to go back to Colonel Dickson again, and endeavour to obtain a satisfactory apology, and to meet me at seven o'clock, at which time he came. I was at dinner with a friend. He told me that Colonel Dickson refused to write any other letter; that the Colonel expressed his regret that such an occurrence should have taken place at the club, but that he would have nothing to do with Captain Robertson in any way until he settled with him legally, and that any other matter might be settled afterwards, or words to that effect. Captain Durant then said, "I can do no more in the matter;" and I said, "No more can I." He then left me. Some time during the evening I saw Captain Robertson, and told him the conversation I had with Captain Durant. I think Colonel Clarke was also present at the time I spoke to Captain Robertson.

Colonel Brownrigg: There is a document bearing Captain Henry's signature which I should like him to look at, and say whether that is his handwriting.

The letter was handed to the witness, who said the signature was his. The letter was written in January last, and addressed to Colonel Bentinck.

Captain Robertson objected to the reception of the letter in evidence, on the ground that it was a private letter from the witness to Colonel Bentinck; it was written this year, and he would have objected to it before only that he heard the date given as 1861.

Captain Henry stated that the letter was written in the beginning of the present year.

President: You object to have that received in evidence?

Captain Robertson: Yes, sir.

The court was then cleared, and on its being re-opened,

The President said: The Court have decided on not receiving this letter as evidence; and they have decided it on the grounds that the writer, Captain Henry, is here before the Court to state himself any matters referred to in the letter. The prosecutor is at liberty to put any questions relative to the matter that he may think proper.

By the Prosecutor: Did you suggest any course of proceeding to the prisoner in the event of Colonel Dickson refusing to apologise?—I had written to Captain Durant, and upon not obtaining an apology by that means, I told him that Colonel Dickson should be called out.

What did Captain Robertson then say?—He spoke in a disparaging manner of Colonel Dickson, and said he would not meet him except he would "stake," or "lodge," the price of his commission, or some word to that effect.

President: Which is it, because there is some little difference?—I cannot state exactly the word.

Did you take such a message to Colonel Dickson or the gentleman acting for him?—I did not; that was after I had already written to Captain Durant on the subject.

By the Prisoner: Was this alleged conversation between you and me, as to the lodging the price of my commission, before or after the interview between Colonel Clarke and you and me?—After.

How soon after; give the date if possible?—On that day—on the first day on which Captain Robertson communicated with me, and in the afternoon of that day; it was between the hour I wrote to Captain Durant, and the time I had the interview with Captain Durant, on the day on which Captain Robertson spoke to me.

Was there an interview between you, Colonel Clarke and me, some few days after the 18th of October?—There may have been, but I cannot say distinctly.

Did I tell you, in the presence of Colonel Clarke, that a challenge ought to be sent to Colonel Dickson on my behalf, or words to that effect?—I have no recollection of such a fact, nor would I have considered it of any use to send a challenge several days afterwards.

Did I tell you in the course of a conversation between you and Colonel Clarke and me, in the same month of October, 1860, that Dickson was a slippery fellow, and would get out of it by saying that he had not been sent a challenge by me, or words to that effect?—I do not remember the details of any conversation between Colonel Clarke, Captain Robertson, and myself, after the 18th October, 1860, relative to that subject.

Did Mr. Owen subsequently, on or about the 23rd of March, 1861, state to you at Birmingham, that he was going to London, as my friend, to demand satisfaction from Colonel Dickson?—Yes.

Did he then ask you for information as to what had occurred between you and Captain Durant relative to my affair?—Yes.

Did you thereupon give him this letter?—Yes.

[The letter was read. It was the statement of Captain Henry, of 23rd March, 1861, as printed above.]

President: Were the words “distinctly understood” underlined at the time the statement was written?—They were.

Is the letter which has just been read all in your handwriting?—Yes.

Colonel Brownrigg: Can you reconcile the apparent discrepancy between the document just put in and your statement of Captain Robertson declining to meet Colonel Dickson unless he lodged the price of his commission?—I wrote that letter in the very strongest terms, hoping that by means of that and other means, which he declared himself about to take, to afford him the best opportunity of settling this unpleasant affair.

This closed the evidence on the first and second charges.

The Court then proceeded to take evidence on the third charge, which was as follows:—“For having behaved in a scandalous manner, unbecoming the character of an officer and a gentleman, in having stated in a letter, addressed to Major-General Forster, Military Secretary, and dated 4th October, 1861, that he had submitted his application to retire from the army by the sale of his commission entirely through intimidation, he well knowing the said statement to be false.”

Colonel Brownrigg, C.B., having been sworn, deposed as follows: I am Deputy Adjutant General of the Forces serving in Ireland. I lay before the Court a letter by the prisoner, dated 4th October, 1861, and addressed to Major Forster, Military Secretary for Ireland, at the Horse Guards.

The letter was put in and read as follows:—

“Army and Navy Club, St. James’s-square,
4th October, 1861.

“SIR—Reverting to my application for permission to retire from the service, I have the honour to ask you to submit to his Royal Highness the General Commanding-in-Chief this my application for a withdrawal of the same, in consequence of the former having been sent in entirely from intimidation, and that a Court of Inquiry may be granted to me relative to the affair with Colonel Dickson, which Colonel Bentinck is for ever persecuting me with.—I have the honour to be, &c.,

“A. M. ROBERTSON, Captain 4th Dragoon Guards.

“Major-General Forster, Military Secretary.”

Examination resumed: On or about the 30th September last Colonel Bentinck, commanding the 4th Dragoon Guards, called upon me at my office in Dublin, and laid before me a correspondence respecting the prisoner, which is now in possession of the court; I refer to the letter of the Assistant Adjutant-General for Manchester, and the six enclosures, together with an accompanying letter from Colonel Bentinck, which I also hand in. [The letter of Colonel Bentinck, narrating the circumstances of the case, was here put in and read.] I submitted the documents alluded to to the

General Commanding the Forces in Ireland for his decision; the result was, that I telegraphed to Newbridge, to Captain Robertson, to attend at my office on the following day; he did attend, and I told him I was instructed by Sir George Brown to inform him that after a careful perusal and consideration of the documents I have already adverted to, he could come to no other conclusion than that if the allegation against the prisoner contained in that correspondence was true, he was unfit to hold a commission in her Majesty's service; that if, on the other hand, they were false, so long a time had elapsed since the occurrences to which they adverted, and the prisoner having failed to satisfy his commanding officer in respect to those allegations, he could not see that the prisoner had any other way of vindicating his character than by an appeal to a general court-martial, and that he must, therefore, either take his choice of one or other alternative—that is to say, he must either apply for permission to retire from the service by the sale of his commission, or submit to be placed under arrest, with the view of having the matter investigated by a court-martial. The prisoner stated that the time was short, and that an appeal to a court-martial was useless, for neither Colonel Dickson nor Captain Durant would attend. I told him that I was aware they had declined to attend the court of inquiry, but that their attendance at a court-martial would be compulsory, and that, with regard to further delay, Sir George Brown was of opinion that there had been a great deal too much delay already, and that such delay appeared neither reasonable nor admissible. In consequence of two of his letters then before me, in one of which, dated 20th May, 1861, in reference to an insult that had been offered to him by Colonel Dickson in the October previous, and addressed to Major Jones, 4th Dragoon Guards, he stated his determination either to have an ample apology or to obtain satisfaction in full; and in another letter, which had also been submitted to Sir George Brown, dated the 4th of July, 1861, also to Major Jones, of the 4th Dragoon Guards, in reference to the same occurrence between himself and Colonel Dickson, in which he declined having any further communication with anyone on that subject, either now or at any future period, the prisoner requested to have a short time to retire to deliberate, and requested Colonel Bentinck to accompany him to another room for that purpose; he did so, and returned in about ten minutes, and informed me that he had made up his mind to apply to retire from the service by the sale of his commission. I said to the prisoner, "Am I to understand, Captain Robertson, that this is an unbiased decision that you have come to, and without any pressure; because you must be aware that the General Commanding-in-Chief can have no feeling in this matter one way or the other, and that it is for you, and you only, to decide upon the course which you will pursue?" The prisoner signified to me that he quite understood that. I then told him that in applying to retire from the service he had better state in his letter that he would have no objection to wait for the price of the cornetcy, without interest on the money, should no cornet be immediately appointed, as such a declaration was always called for, and it would save two letters. He asked me to write the letter for him, which I declined doing, but I showed him into a room where he would find writing materials. He returned shortly, handing me a letter addressed to the Military Secretary, applying for leave to retire from the service by the sale of his commission. The prisoner then addressed himself to Colonel Bentinck, and requested that, on his retirement from the army, he would recommend him for the adjutancy of a yeomanry corps. In consequence of circumstances which had come to my knowledge, I was particularly cautious in what I said to Captain Robertson, who shortly afterwards received leave of absence, pending his retirement from the service. I wish to add, that on the occasion of Colonel Bentinck placing in my hands the enclosures in the Assistant Adjutant-General of the Northern District's letter, he suggested—

Captain Robertson objected to this evidence, as it referred to transactions to which he was no party, but stated that if the Court wished to have the information he would withdraw his objection.

The President ruled in favour of the objection.

Colonel Brownrigg: I state further that there was nothing whatever in my words or manner which could possibly have intimidated the prisoner, and that I repeatedly pointed out to him that his decision must be the result of his own unfettered judgment. It being now 4 o'clock the Court adjourned.

FIFTH DAY—THURSDAY, FEB. 13.

The Court assembled at half-past 11 o'clock.

The President said: Captain Robertson, before you proceed with the cross-examination of Colonel Brownrigg, the Court wish to ask him a few questions. You have no objection to that?

Captain Robertson: Any course that the Court think best will satisfy me.

Colonel Brownrigg, C.B., was then examined as follows by the President: In part of the evidence you gave yesterday you stated that you said to the prisoner, "Am I to understand, Captain Robertson, that this is an unbiassed decision—that you have come to it without any pressure, because you must be aware that the General Commanding-in-Chief can have no feeling in this matter one way or the other?" What did you mean when you stated that the General Commanding-in-Chief could have no feeling on the subject one way or the other?—I simply meant that I had no authority from the General Commanding to do more than merely place the alternative before the prisoner, either to retire from the service by the sale of his commission, or to submit to a general court-martial. I think I said the General Commanding the Forces. President: No, you said the General Commanding-in-Chief. Colonel Brownrigg: That is an error. I meant the General Commanding in Ireland. I meant that he wished to put no pressure on Captain Robertson in any way; that what he authorised me to communicate was not in the way of a threat, but to present the alternative. President: What did you mean by saying that "the General Commanding in Ireland can have no feeling one way or the other?"—I meant that he had no bias; I did not mean that he had no interest in the matter, but that he had no personal bias.

The Judge Advocate read the statement of Colonel Brownrigg as given in evidence. Colonel Brownrigg: I did not mean the Commander-in-Chief, I meant the Commander of the Forces in Ireland; by my expression that he had no feeling, I meant that he had no bias. Although I said he had no feeling in the matter, I did not mean that he had no interest. President: You stated that you telegraphed for Captain Robertson, and that he was accompanied by Colonel Bentinck. Did you send for Colonel Bentinck to attend with Captain Robertson?—Yes. President: You said in your evidence that you told him he might either apply for permission to retire from the service, by the sale of his commission, or submit to be placed at once under arrest for the purpose of being tried by a court-martial. What do you consider to be the difference of using pressure, and telling an officer that he must either sell his commission or be tried by a court-martial?—I consider that the giving to an officer the alternative of retiring from the service by the sale of his commission, or of submitting to a general court-martial as the only means left for vindicating his character, is offering him a very fair alternative; it is certainly not putting any pressure on him. President: Then what other pressure than that of telling Captain Robertson that he would be tried by a court-martial could you have held out?—As Captain Robertson retired with Colonel Bentinck, and as I had reason to believe that no other person was present at the interview between them. President: You had no means of knowing who was present when you were not present yourself. Captain Robertson: I think as he had no means of knowing who was present it would be as well to say nothing about it. Colonel Brownrigg: As Captain Robertson retired from my room with Colonel Bentinck, and with no other person, and as they returned in the same manner, I was anxious to obtain the prisoner's admission that his application to retire from the service was not in consequence of any influence or pressure exercised by Colonel Bentinck on the occasion. The Judge-Advocate read the following question, which had been previously put by the President, "What other pressure than that of telling Captain Robertson he would be tried by a general court-martial could you have held out?—Colonel Brownrigg: I don't acknowledge that as a pressure, I should like that answer to stand as it is. President: I don't think that is quite an answer to the question. Colonel Brownrigg, having been handed the question in writing, said, I don't acknowledge that my giving Captain Robertson the alternative of retiring from the service by the sale of his commission, or of being tried by a court-martial to vindicate his honour, was putting any pressure upon him. Change the word "acknowledge" to "consider," which will be a better word. President: Did you require Captain Robertson to give you an answer on the day of the interview which you have alluded to?—An answer as to what?—As to which alternative he would adopt?—Yes, for the reasons I have stated already; namely, his admissions founded on a statement made in his letters which are before the Court, the letters of the 20th of March and the 4th of July. Then it is your custom to send for an officer who may have committed some offence and require him, before he leaves your office, to choose the alternative of a court-martial or retire from the service?—No, not under ordinary circumstances. And if such is not your custom, why did you adopt an unusual course in the case of Captain Robertson?—Because it was the opinion of the General Commanding the Forces in Ireland that the matter connected with the charges against the prisoner had been already too long

under consideration, and that he had ample time and opportunity of having it settled if he so wished. Was any reference made to Sir George Wetherall on this subject at this time?—None that I am aware of; the General Commanding the Forces in Ireland did not consider such a step necessary, after having perused the letter of the Assistant Adjutant General of the Northern District, now before the Court. Did you give Captain Robertson the opportunity of speaking to you alone, unaccompanied by his commanding officer, Colonel Bentinck?—I did not offer the prisoner such an opportunity, as I concluded he would have asked for a private interview had he wished to have one, which I should certainly never have thought of refusing.

Colonel Brownrigg cross-examined by the Prisoner: Have you got my letter of resignation, which you have referred to in your evidence?—I have, and I lay it before the Court. The letter was produced and read as follows:—

“To the Officer Commanding the 4th Dragoon Guards.

“Dublin, 1st October, 1861.

“SIR,—I have the honour to request permission to retire from the service by the sale of my commission, and under the circumstances I am willing to wait for £450, the price of a cornetcy, without bearing any interest, until such time as a cornet is appointed to succeed to the vacancy created by my retirement.—I have the honour to be, &c.

“A. M. ROBERTSON.”

In whose handwriting is the body of it?—It appears to be in the handwriting of Major Bellairs, who was then Deputy Assistant Adjutant-General of head-quarters, Dublin. Do you know where it was written?—I believe in Major Bellairs's room, but I cannot be positive. Was it written before I left your office on the 1st of October, 1861?—Yes. Have you got any copy on record of the telegraph sent by you to me on the 30th September, 1861?—I think I could obtain it by sending to my office; if so I will produce it to-morrow, or I shall take steps to procure it, if possible. Did I hand you Captain Henry's letter to Mr. Owen on the occasion of my interview with you?—I cannot exactly remember now what the letter was; the prisoner handed me in a letter, which I returned to him after reading. Did I then state to you the course which I had taken to obtain satisfaction?—The prisoner attempted to enter into a good deal of what I thought very irrelevant matter, which I told him I thought he had better keep for another occasion, and that I could only carry out the instructions I had received from the General Commanding the Forces in Ireland. Did I then tell you that I wished to have an interview with Sir George Brown?—I do not remember the prisoner saying anything of the sort. Did you tell me that I could not see Sir George Brown?—I really have no recollection of your asking me, but I do not swear that you did not ask to see Sir George Brown. Did I then state to you that I wanted time to consult my friends?—You said you should like to consult your friends. I said that if you had any friends who had accompanied you, there would be no objection to your consulting them; but that you had already had nearly twelve months to consult them, and had come to no conclusion, and that the General Commanding the Forces in Ireland did not consider any further delay to be reasonable; my impression is, that I myself proposed that you should consult a friend, thinking that one had accompanied you. Did you mention the name of Surgeon Cooper who had accompanied me from Newbridge? I think I did. Did I in reply state to you that Surgeon Cooper attended me only in his professional capacity, and that I had not consulted him on the subject, and furthermore, that Surgeon Cooper had gone away?—I do not remember the prisoner saying anything of the sort. Did I state to Colonel Bentinck in your presence and hearing that Colonel Dickson had refused to appear in a Court of Inquiry, and that it was unfair to try me on charges of that description, and which had been before Colonel Wetherall several months previously?—The prisoner said in my presence that Colonel Dickson had refused to appear at a Court of Inquiry; and he added something about the matter having been submitted to Sir George Wetherall, but what it was I cannot remember exactly. Did Colonel Bentinck say in your hearing that if I got off upon that charge he would try me upon others, in reference to something which he said had occurred between me and Mr. Rintoul, and between me and Captain Webb?—Certainly not. How long did the interview last?—I should think about ten minutes, hardly so long. Is this the letter from the Military Secretary at the Horse Guards in reply to my letter for permission to withdraw my application to retire from the service?—It is. Before I was summoned up from Newbridge for the purpose of the interview, had any communication been made to me as to its purport?—Not to my knowledge. Has Colonel Bentinck ever intimated to you a desire on his part that I should be compelled to leave the regiment?—I have no objection to answer the question if the prisoner press it, but I think he

had better not. President: Captain Robertson, has this any reference to any point which arises in his evidence?—Captain Robertson: Not arising from his direct evidence. The Court allowed the question to be put. Captain Robertson: I do not shrink from any answer which may be given to the question. Captain Brownrigg: Colonel Bentinck has never used the expression "being compelled," that I am aware of, but he has stated to me that for some years past the character and conduct of the prisoner has been so discreditable, and so exceedingly bad an example for young officers, that it would be very advisable that he should leave the service. Captain Robertson: I do not wish to press any question upon the Court, but I would wish an answer to be given to the question which I now hand in. The question in writing was handed in and considered by the Court. It was in relation to a document written by some of the officers of the regiment to Colonel Bentinck. The President said: I think you had better call this witness for your defence, as I think this line of examination is to discredit his evidence, or to show that he has a bias. Captain Robertson: Colonel Brownrigg being prosecutor, I should not like to call him as a witness in my defence. After some conversation the question was withdrawn for the present, and the cross-examination of Colonel Brownrigg concluded.

Colonel Brownrigg then said: Mr. President, the cross-examination has taken such an unexpected course that I would ask the Court to adjourn for a quarter of an hour, in order that I may have an opportunity of consultation, and to consider certain documents, with a view to the questions I shall have to put to the witnesses whom I intend to call.

President: That is, that you may communicate with the witnesses as to the evidence they will give.

Colonel Brownrigg: Sooner than that impression should remain on the mind of the Court I will forego my application.

Captain Robertson: General Gordon, I submit that Colonel Brownrigg having been now examined as a witness for the prosecution, he should not be permitted to communicate with any of the witnesses.

Colonel Brownrigg: I at once avow that the object I have in asking for an adjournment is, that I may ask one of the witnesses if he is in possession of a certain document; but if the prisoner thinks that this will damage his case in any way, I shall not press it.

The application was ultimately withdrawn.

Colonel Bentinck examined by the prosecutor on his former oath: Were you present at my office on or about the 1st of October last at an interview I had with the prisoner?—I was. State what occurred on that occasion?—On the morning of the 1st of October, 1861, I was present in the Deputy Adjutant-General's office, Royal Hospital, with Captain Robertson, who was ordered to attend there by order of the Commander of the Forces in Ireland. The Deputy Adjutant-General informed Captain Robertson that he had laid before Sir G. Brown letters and statements which I had previously, the day before, placed in his hands, when the Deputy Adjutant-General informed Capt. Robertson that Sir G. Brown had come to the determination that the allegations contained in these letters against Capt. Robertson were either true or false, and if they were true the Commander of the Forces was of opinion that Captain Robertson was unfit to hold a commission in her Majesty's army; and if they were false, from the long period that had elapsed he was seriously to blame for not having placed the matter in the hands of his commanding officer or applying for a court-martial, in order that he might have an opportunity of vindicating his character; but that Sir George Brown, after a careful consideration of the case, would either allow Captain Robertson to apply for permission to retire from the service by the sale of his commission, or submit to be tried by a general court-martial. Captain Robertson at that time requested permission for a few days to consider the matter. The Deputy Adjutant-General informed him that the matter had been already so long undecided, that he must come to a determination before he left his office. Captain Robertson tried to persuade the Deputy Adjutant-General that Colonel Dickson would not appear before a court-martial, upon which he was informed that a summons could be issued which would render his presence compulsory. Captain Robertson asked permission from the Deputy Adjutant-General to retire with me to consult what he had better do. Accordingly, Captain Robertson and myself retired into the adjoining room, and, upon the door being shut, Captain Robertson asked me if I thought I could persuade Sir George Brown to give him four-and-twenty hours to negotiate the sale of his commission. I told him "My good man, you heard as plainly as possible what the Deputy Adjutant-General told you as to the determination that Sir George Brown had come to, and it would be impossible for me to go ask such a question." Whereupon he said to me, "Colonel,

what do you recommend me to do?" I said, "I can only give you the advice I have given you three months ago, which is to send in your resignation; if you do so, the matter will be kept quite a secret because of your doing so, and I should consider it a point of honor not to let anybody know anything about it;" upon which he said, "Very well, Colonel, I will send in my resignation." I said, "Very well; I think that is the best thing you can do, and I think that it is a great misfortune to yourself and to the regiment that it has not been done long ago;" upon which we returned to the Deputy Adjutant-General's room, and I acquainted the Deputy Adjutant-General with the fact that Captain Robertson had made up his mind to send in his resignation, upon which the Deputy Adjutant-General requested him to retire into an adjoining room to write it. Captain Robertson then turned round to the Deputy Adjutant-General and asked him to do it for him, but he declined, and Captain Robertson wrote it himself. The Deputy Adjutant-General reminded him of the necessity of inserting the usual certificate, that he was willing to wait for the price of the cornetcy, without interest on the money, in case no cornet shall be immediately appointed. After Captain Robertson had written his resignation I handed it to the Deputy Adjutant-General, and the Deputy Adjutant-General told him that he was to distinctly understand that this was entirely his own act and deed, and not from any pressure of any kind, upon which Captain Robertson said to the Deputy Adjutant-General, "I perfectly understand it so." Captain Robertson and myself retired from the Deputy Adjutant-General's office together, and upon going out of the room, Captain Robertson turned round to me and said, "Colonel, can you recommend me to the adjutancy of a yeomanry corps?" I told him that that was matter for consideration. I saw no more of Captain Robertson, and on the following day, or the day after, I acquainted Captain Robertson, through the Major of the regiment, that he was at liberty to go on leave. I have nothing more to say.

Colonel Brownrigg: Look at that letter from Captain Robertson, requiring permission to retire from the service, and state whether it is in his handwriting?—To the best of my belief it is. Look at it attentively?—I swear to the signature, and to the best of my belief the remainder is. President: If you did not see him write it, why did you say he wrote it?—There was nobody else to write it. You were not with him when he wrote it?—No; but he handed the letter to the Deputy Adjutant-General; I was not with him when he wrote it. How do you know he wrote inside himself?—He retired into the room to write his resignation, and in a few minutes afterwards he handed his resignation to the Deputy Adjutant-General; he had no one else to write it that I am aware of. Colonel Brownrigg: Did you caution me to be particularly careful in my communication with Captain Robertson?—I did. President: Captain Robertson, before I put this question, I wish to tell you, that if you object to it, I will take the sense of the Court upon it; but if you do not object to it, and the Court don't object, when you hear it, it can be put. The question is, "Why did you give me this caution?" Captain Robertson: I object to it only on the ground that I cannot now be examined to refute any statement that Colonel Bentinck may have made in his private conversations with Colonel Brownrigg. I object to it only in that way, sir. President: I don't see what bearing Colonel Bentinck's reasons for telling you to be cautious in your communication with Captain Robertson has in relation to the charge of "behaving in a scandalous manner," &c., in writing a letter to the Military Secretary.

Colonel Brownrigg withdrew the question.

Colonel Bentinck cross-examined by the Prisoner: Did I hand Colonel Brownrigg, in your presence, Captain Henry's letter, which was given by him to Mr. Owen, and which is dated 23rd of March, 1861?—You handed Colonel Brownrigg a document for him to read, but I am not at all aware whether it was from Captain Henry or from anybody else. Did I then on that occasion ask to be allowed to see Sir George Brown?—No; I don't remember it. Did you, while I was with you in the room to which we retired, say that I should decide in five minutes, and that I should get no more time?—I did not. Did you look at the clock once or twice, and say, "The time is up; I must go; I am in a hurry"—or words to that effect?—I looked at the clock, and I told him that I thought a quarter of an hour's time would be long enough for him to make up his mind. Did you say that if I sent in my resignation I could go away quietly, but that if I did not, I should be tried by court-martial and cashiered, or words to that effect?—I told him, after he had made up his mind to send in his resignation, that the whole affair would be kept secret, and that it was very unfortunate that he had not made up his mind before. The President repeated the question. Colonel Bentinck: I told

him I thought it would be exceedingly doubtful what the decision of the court-martial would be. President: Did you tell him that if he did not send in his resignation he would be tried and cashiered?—No; I told him the decision of the court-martial would be exceedingly doubtful. By the Prisoner: Was what you have just stated as to the court-martial spoken by you before the letter of resignation was written?—It was, but after he had come to his determination. Did you also then say that if I got off on the charge in relation to Colonel Dickson you would try me on other charges you had against me, or words to that effect?—No. Did you mention Lieutenant Rintoul's and Captain Webb's names on that occasion?—No. Did I say that the matter was very serious, and that I ought to be allowed to consult my friends, or words to that effect?—You asked me to persuade Sir George Brown to give you four and twenty hours to negotiate the sale of your commission. Captain Robertson: General Gordon, with great respect, I should like to get as direct an answer as possible to that question. The Judge Advocate read the question. President: That is not an answer to the question. Colonel Bentinck: He did say that it was a very serious question, and I told him so it was. I do not remember his asking me for any lengthened period, except to negotiate the sale of his commission. I cannot answer that part of the question. Captain Robertson: I respectfully submit that the question has not been answered according to the way I put it. President: It would simplify matters if you would only put one question at a time. There are two questions in this. The Judge Advocate read the answer. President: You may put any further question upon the subject. Cross-examination resumed: Did I say that I ought to get time to consult my friends?—That question has been answered before. President: It is a question that admits of "Yes" or "No." Colonel Bentinck: I said I cannot remember; I only remember his asking me for twenty-four hours to negotiate the sale of his commission; I have no recollection of it. By the Prisoner: Did you say that I might consult Surgeon Cooper who had come up with me?—No, I did not. Did you, when the letter of resignation was brought in by me, fold it up and put it in your pocket and carry it away?—It was handed to the Deputy Adjutant-General; I forwarded it afterwards to the Military Secretary. President: Did you put it in your pocket?—I dare say I did. Did you carry it away?—I received it; it came to my possession afterwards, but I can't say whether I carried it away then or not; it might have been sent down afterwards; I cannot recollect decidedly whether it was carried away by me at the time, or whether it was afterwards sent down by the Deputy Adjutant-General, but I think it is very probable that I took it away. By the Prisoner: Did you suggest to Colonel Brownrigg to have me sent from Newbridge on or about the 30th September, 1861, for the purpose of the interview we were speaking about?—Colonel Brownrigg decided that question for himself. The President repeated the question. Colonel Bentinck: I did not. The President said he did not think the next question handed to him was one which the witness could answer. Captain Robertson: I respectfully submit to the President and the court that the witness is bound to answer that question. President: I am going to put this question to the witness, and tell him that he may answer it or not as he pleases. The question is, "Did you, for several months before that interview, adopt towards me a course of conduct with the view of compelling me to leave the regiment?" You need not give an answer to that question unless you like.—Colonel Bentinck: I did not. The President, on the next question being handed to him, said: Captain Robertson, you have an undoubted right to ask any question relative to the charges. If you wish to prove to the court that any witness has been biased in his conduct towards you, that is a reason why you should adopt this course of cross-examination; but if you fail to do so, you will not do yourself much good, I fear. Captain Robertson: I respectfully submit that Colonel Bentinck having been brought up as a witness for the prosecution, I have a right to ask him any questions relative to the charges. President: You have a perfect right to do that. You can call Colonel Bentinck or any other witness you wish for your defence, and then we shall all be in perfect order. We are not trying Colonel Bentinck here as to whether he gave any orders six months ago. The court has nothing to do with that. We have no power to go into any inquiry except what has reference to the charges brought against you. Captain Robertson sent two documents up to the President, and the court was at once cleared.

On its being re-opened, the President said: Captain Robertson, the court have taken into consideration your application. I have read the memorandum which accompanied it, and they have decided that you must confine your cross-examination of this witness to what he has stated before the court. They also desire me to intimate

that those matters to which you refer, so far as appears at present, are matters purely to be brought forward on your defence. You are at liberty to call Colonel Bentinck or any other witness on your defence; but the rule of evidence is, that you confine yourself on cross-examination to what Colonel Bentinck has stated before the court. These documents, if you think proper, shall be read. The President then read the following, no objection having been made:—

"I think it but fair to put the court in possession of the course of cross-examination I now think it proper to adopt, and accordingly hand in the accompanying document:—I now propose to cross-examine Colonel Bentinck as to certain acts and conduct of his towards me during five or six months immediately preceding my interview with Colonel Brownrigg and him, and which acts and conduct were, I believe, adopted for the purpose of compelling me to retire from the regiment. Those to which I refer relate to orders given by him that I should not get my leave of absence while in the regiment—to orders that, when on the line of march from Birmingham to Ireland, I should be deprived of the services of a subaltern, I then being the officer in command of my troop—to the request which I made that complaints which I made as to such conduct should be transmitted to the military authorities, and to the refusal of Colonel Bentinck to comply with such request—to orders given by him that I, when I was not the officer on duty, should attend morning and evening stables—to an order given by him that I, an officer of sixteen years' standing in the army, should exercise in the riding-school with a back-board—to the fact of his having placed an officer of four years my junior in command of the regiment when I was present, and he going on leave—to an order given by him to me on one occasion, when reading a newspaper in the messroom, to leave the room; and to the preparation, with the privity and sanction of Colonel Bentinck, of a document reflecting on my character as an officer and a gentleman, and asking for my removal from the regiment, and which document was, with the like privity and sanction of Colonel Bentinck, sent round to my brother officers for their signature. I charge that all those acts were done for the purpose of compelling me to leave the regiment, and that the interview on the 1st of October, 1861, was only the last of this series of proceedings, all tending to the same end. I intended in my letter of the 4th of October, 1861, to include all these acts and conduct, and I beg to call attention to the reference to Colonel Bentinck contained in that letter. I, therefore, respectfully submit that I should be permitted to cross-examine Colonel Bentinck as to these several matters."

President: You are charged with stating that you wrote your letter of resignation under intimidation?—Captain Robertson: Yes, sir. President: You can make these statements to prove intimidation when you come to your defence; then will be the time to prove intimidation.

SIXTH DAY.—FRIDAY, FEB. 14.

The Court reassembled at half-past 10 o'clock.

At the desire of the President the officiating Judge Advocate read the concluding portion of the minutes of proceedings of the previous day. This included the decision of the Court in reference to the course of cross-examination proposed by the prisoner.

Captain Robertson, in reply to the President, said he had no objection to the decision made by the Court in relation to the proposed mode of cross-examination.

Colonel Brownrigg requested that the Deputy Judge Advocate would read the record which had been made of his application for an adjournment on the previous day.

The record having been read, Colonel Brownrigg said that there was nothing in the record which would justify him in making any observations in reference to what had taken place as to his application for an adjournment. President: You gave me the impression that you required the adjournment for the purpose of communicating with a witness, and you told us afterwards that such was your object. Colonel Brownrigg: The suggestion that I wished to communicate with the witnesses as to the evidence which they were to give—that was an imputation I could not submit to for a moment, and it was for this reason that I did not press the matter. Colonel Brownrigg (handing in a document): Have the kindness, sir, to look at that document. I was not aware at the closing of the Court yesterday of the decision at which the Court arrived in reference to the document handed in by the prisoner. The document which I now hand in has reference to that handed in by prisoner at the close of the proceedings yesterday. President: You wish to put this in as prosecutor, in consequence of the statement of the prisoner?—Colonel Brownrigg: In consequence of the decision of the Court at the close of yesterday's proceedings. President (having read the document): You wish to put this in?—I see no objection. Colonel Brownrigg: I wish to put it in, in reference to the docu-

ment put in by the prisoner last evening at the close of the proceedings. I hand in the document in reference to the document handed in by the prisoner, and received by the Court at the close of yesterday's proceedings. The President received and read the document as follows:—

Dublin, 14th Feb., 1862.

“ I beg to submit to the Court that the proposal of the prisoner, contained in the document handed in by him at the conclusion of yesterday's proceedings, as to the mode in which he purposes to cross-examine the witnesses for the prosecution, on the third charge, is inadmissible, as referring to dates not contemplated in the third charge. If the prisoner's letter of the 4th of October last, and addressed to Major-General Forster, means anything, it means that intimidation was used towards him on the 1st of October, 1861, or between that date and the 4th of October, 1861. This is the only rational construction that can be put upon it, as is proved by the prisoner reverting to his letter of the 1st of October, 1861, as having been sent in entirely through intimidation. The Court have the evidence of myself and Colonel Bentinck to show that the prisoner admitted that up to the 1st of October, 1861, there had been no intimidation or pressure used to influence his decision to retire from the service. And, therefore, unless he can prove that the intimidation referred to by him was exercised between the 1st and 4th of October, both days inclusive, I submit that any evidence, either on the prosecution or defence, as to alleged intimidation before the 1st of October, cannot be received as bearing upon any of the charges against the prisoner.”

Lieutenant Rintoul sworn and examined by the prosecutor: Do you remember having any communication with Captain Robertson on or about the 1st of October last?—Yes. Did he at that time attempt to negotiate with you for the sale of his troop?—He said he was going to leave the service, and asked if he might reckon upon me to buy his troop. Did he say to you that on account of his health he was about to leave the service, or words to that effect?—He said his health was so bad, and he had been so bullied by the Colonel that he could stand it no longer. Did you at any time tell any person that Captain Robertson was about to leave the service on account of his health, without the addition of being bullied by his Colonel?—I did. Cross-examined by the Prisoner: In what state of mind did I appear to you to be on that occasion?—You appeared to be in a very distressed and agitated state. Did I tell you in the course of that conversation what had occurred at that interview between Colonel Brownrigg, Colonel Bentinck, and me, on the 1st of October?—You told me that the Colonel had given you the option of leaving or being tried by court-martial. You said that the Colonel told you that if you did not leave on that occasion he would try you for something that had occurred between you and Captain Webb. He did not tell me who was present at the interview. Did I then ask you if Colonel Bentinck had ever spoken to you as to anything which had occurred between you and me?—No, not that I recollect. Do you know on what day I left Newbridge for London, after my interview with Colonel Brownrigg and Colonel Bentinck on the 1st of October?—I think it was on the 2nd of October. Did I tell you for what purpose I was about to leave Newbridge for London?—No. Colonel Brownrigg: You state that the prisoner informed you that Colonel Bentinck said to him that if he did not leave on this occasion he would try him for something else. Did you believe him?—I believed it. Have you had occasion to tell the prisoner that you did not believe his statements?—Captain Robertson: I object to that question. The question was withdrawn. The witness said he would wish to state his reasons for believing Captain Robertson's statement respecting the Colonel bullying him. The President said he might do so. Witness: Because I had heard some weeks previously that they had been at head-quarters raking up an old difference that had existed between Captain Robertson and myself some years ago. Colonel Brownrigg: Did you tell the prisoner at that or any other time that he did not tell the truth? The President thought this question too vague, as no particular time was specified. The question was withdrawn. The President: You stated that Captain Robertson said that Colonel Bentinck informed him that if he did not leave he would try him for something which had occurred between you and him. Have you since had any reason to think that he erred in his statement?—Not in the least. The Prosecutor pressed the former question as to whether the witness had ever had occasion to tell Captain Robertson that his statements were not true. The Court was cleared to allow the question to be considered. On resuming, the President said that the Court had decided that the question was inadmissible, but it could be put if it were amended, by specifying the interview of the 1st of October, 1861, as that in reference to which the statement of Captain Robertson and the witness was made. Colonel Brownrigg: I withdraw the question. President: The Court having been cleared and a decision come to, the question must be recorded on our proceedings. Colonel Brownrigg declined to put the question in the form suggested by the Court.

President: You stated that Captain Robertson was in an agitated state. Was it your impression that this agitated state arose from ill health or any other cause?—It might have been from ill health; my impression was that he had something serious on his mind when I first saw him. I knew he was in ill health for some time previous. Did you understand Captain Robertson to say that Colonel Brownrigg was present when Colonel Bentinck said he should leave the service, or be tried by court-martial?—I did not understand that. Do you know who was present at the interview?—I do know now, but I did not at the time. Did you come to an arrangement respecting the purchase of Captain Robertson's troop?—Some time before the 1st of October Captain Robertson was about leaving the service, and he asked me to purchase his troop. I said there was a senior officer before me, and that I should first know what his intentions were. There was no arrangement come to between us. As you were not senior Lieutenant, can you explain why Captain Robertson asked you to purchase?—Because I was always supposed to be the first to purchase. The adjutant's name not having been returned for purchase—ho was my senior—Captain Robertson thought I was the first to purchase. Do you know what caused the adjutant's name now to be returned for purchase? Witness: Must I answer that question? President: Certainly; you are on your oath and must answer. You are bound to tell all you know on the subject, but you need not criminate yourself. After some consultation between the members of the Court, the President said: The Court will not press the question in that form. They will alter it thus—Was there a rumour that time of Captain Robertson's compulsory retirement?—There was a rumour that he would be forced to retire. Do you know at about what date the adjutant's name was returned for purchase?—I believe it was returned on the same day, October 1. With reference to the prisoner's account of the interview in Dublin, was it advantageous to him to conceal the fact of his being forced to retire?—No, I do not consider it was. Did Captain Robertson tell you he was obliged to retire?—He did, as I have already stated. The evidence of the witness having been read over, he said he wished to add, there was a rumour which I heard on the day previous to the 1st of October, that Captain Robertson would have to retire; I heard it for certain. President: Did Captain Robertson tell you on the 1st of October that he was obliged to retire?—He did. Captain Robertson: From whom and how did you learn that the adjutant's name was down for purchase, and when did you learn it?—From the adjutant himself by telegraph; I heard it at a quarter-past two o'clock on the 1st of October. Can you state the contents of the telegraphic message which you received from the adjutant?—I can; I have it copied here in a memorandum which I made at the time; it is as follows:—"Sandy has sent in his papers. I am going in for his troop. Don't say anything about it." (Laughter.) President: Where was the telegram from, and what was its date?—From Dublin; it is not dated, but I received it on the 1st of October, at quarter-past two o'clock. Why were you so exact in taking down the dates and particulars of those circumstances?—Well, it is a habit I have of taking down everything that passes during the day, and it struck me that it was sharp work, because Captain Robertson had only gone up in the morning, and it was settled by a quarter-past two o'clock. Colonel Brownrigg: You stated that there was a rumour at Newbridge on the 30th September that the prisoner would be forced to retire. Were you the author and propagator of that rumour?—I was not the author nor the propagator. Do you, then, know with whom it did originate?—It was told to me by Adjutant Harran himself; the adjutant told me "it was all over with Robertson; that an order had gone to Newbridge for him to appear next day before the authorities at Dublin, unless the doctor could certify that his life would be in endangered by the journey; that his whole affair had been laid before them, and it was determined that he should leave." Do you keep your diary on loose scraps of paper, or is the memorandum you have been reading from a copy from a book?—I keep my diary in a book; the paper I have been referring to is an exact copy from the book, made by myself. Can you produce the book?—I can do so. Colonel Brownrigg: I just asked the question, as I may have occasion to require its production. President: No question arises on it at present?—Colonel Brownrigg: No, sir.

Cornet James Alexander Taite, 4th Dragoon Guards, sworn and examined by the Prosecutor: Had you any communication with Captain Robertson relative to the sale of his commission on or about the 1st of August, 1861?—I had. Did the prisoner at that time give you any reason for his retiring from the service; and if so, state what he said?—He did not give any reason. Did he say he had made up his mind to retire, as he was tired of the service, or words to that effect?—He said

he had made up his mind, but I could not say whether he said he was tired of the service or not; I could not swear that he said he was tired of the service. This witness was not cross-examined.

Quartermaster Drake sworn and examined by the Prosecutor: Had you any conversation with the prisoner since his return from leave of absence relative to his retirement from the army?—I had. Did the prisoner tell you on that occasion that he would have retired from the service when he sent in his papers in October, 1861, if he had got as good a price as he required for his commission?—He did. By the prisoner: Was it after I had been placed under arrest that you had the conversation with me?—I don't know when Captain Robertson was placed under arrest, but the conversation took place when I was giving him up his barrack-room, on his return from leave of absence. Was it the room in the Royal Barracks that you gave up to me?—It was in the Cavalry Square. Did you know that my troop was then quartered at the Curragh?—I did. Did you know why I had a room assigned to me at the Royal Barracks?—No, I cannot say why; I was ordered to provide him with a room. Did I tell you that I was to be under arrest in the room you then gave me?—I cannot remember that he did. Is it usual to assign a room to an officer in barracks where his troop is not quartered?—No, sir, it is not; I have been told that Captain Robertson was ordered to head-quarters, in order to be put under arrest. Who told you that, and when were you so told?—I think it was the adjutant told me, but I am not positive. Did the adjutant or any one else suggest to you to speak to me about the sale of my commission?—No. Did I tell you on that occasion that £20,000 would not induce me to withdraw from a trial by court-martial, to words to that effect; I do not think that Captain Robertson mentioned £20,000, but he said if the money was guaranteed to him, as it was a matter of character, he would not go now; he would stand the court-martial. Colonel Brownrigg: That is the close of the prosecution.

Colonel Bentinck recalled and examined by the President: Adjutant Harran sent in his name for purchase last year; I first became acquainted with Adjutant Harran being for purchase when I placed Captain Robertson's resignation in his hands; I should imagine the date to be from the 1st to the 5th of October. Did you enter his name on the list kept of officers who wish to purchase?—His name was put on the list after that date. You kept, I presume, a list of officers in the regiment who wished to purchase?—Yes; but I cannot give an answer till I refer to the book. Can you produce the book?—I can, sir. Can you produce the official list kept by you for this purpose?—I can.

The Court was then adjourned for half an hour, and on being re-opened, Colonel Bentinck produced the regimental book, containing the quarterly returns of officers wishing to purchase promotion. President: I see an entry on the 1st of October, and a red ink note at Adjutant Harran's name—what is the meaning of that?—Colonel Bentinck: Not passed, sir; not passed his examination; he passed two or three days afterwards. In handing in that book to the Court I beg leave to state that I was not acquainted, until twelve or half-past twelve o'clock on the morning of the 1st of October, that Adjutant Harran was to purchase; I was surprised at it, and my first expression was, what in the world will I do for an adjutant? That was after the interview, and when I handed in Captain Robertson's resignation to Adjutant Harran, he told me he would purchase. President: Had anything passed between you and Lieutenant Harran previous to the 1st of October?—No; I never heard a word of it from any person. Captain Robertson then applied for an adjournment to Thursday, the 20th inst., in order to prepare his defence, as on account of the great mass of evidence that had been laid before the Court, an adjournment to that day would be necessary. After some conversation, the extension of time was granted.

The Judge Advocate, in reply to the President, stated that all the witnesses named by Captain Robertson had returned to his writ, except two—Colonel Forster, A.D.C., and Mr. Owen—who were, however, in attendance, but had not officially communicated with him.

The Court then adjourned to Thursday, February 20th.

SEVENTH DAY—THURSDAY, FEB. 20.

The Court reassembled at eleven o'clock pursuant to adjournment from the previous Friday.

President: Captain Robertson, are you ready to proceed with your defence?—Captain Robertson: May I be permitted to have counsel to read the defence for me?

President: No; it cannot be allowed. Any of your military friends may read it for you. Captain Robertson then proceeded to read his address, as follows:—

GENERAL GORDON, AND MEMBERS OF THIS GENERAL COURT-MARTIAL—You can all understand that circumstances may arise in the career of an officer when a court-martial may prove to be the only means by which he can be enabled to protect himself, and when it may be incumbent upon him for the preservation of his character and honour to submit to undergo the ordeal of a public trial. When I penned my letter of the 4th of October, 1861, in which I applied for liberty to recall my application for permission to retire from the service, I was, of course, well aware that such permission could only be granted to me upon the terms of my acquiescing in a full investigation into my conduct with reference to the occurrence between Colonel Dickson and myself. As soon as I had opportunity and leisure to reflect on what had taken place during the interview of the 1st of October, 1861, I felt convinced that I had been weak and imprudent in yielding so hastily to the influences which had been both then and previously brought to bear upon me; and that I, as an officer and a gentleman, was bound to request that my letter of the 4th of October, 1861, written in an unguarded moment, when I was taken by surprise, and deprived of the counsel and advice of my friends, and when I was not a free agent, should not be acted upon by his Royal Highness the Commander-in-Chief; but, at the same time, it never occurred to me that the inquiry would assume the form of the first two charges which are now preferred against me, and which form would appear to have been adopted more for the purpose and object of endeavouring to obtain your finding, through the medium of a technicality, than of ascertaining by means of this trial whether my conduct throughout the transaction had been such as would commend itself to the feelings and judgment of every candid and honourable officer in her Majesty's service. It is, therefore, essentially necessary that I should in the first instance apply my observations to these charges. The Deputy Adjutant General, the prosecutor, in his opening statement—a statement strongly marked by the severity of its strictures upon me, has told you that this is the first instance in which charges based upon the 17th Article of War had been brought under the notice of a court-martial. It is, therefore, of the greater importance that this being a case of first impression should be fully and carefully considered. The language of the 17th Article is remarkable, and differs in a most striking manner from that which is used throughout the other Articles of War; whilst the latter are in express terms mandatory and obligatory, the former is merely suggestive and recommendatory. It declares that her Majesty will approve of those officers who, under the circumstances therein mentioned, shall submit the matter to be dealt with by the commanding officer of the regiment, and also that her Majesty will acquit of disgrace or opinion of disadvantage all officers who, being willing to make or accept redress, shall or not give or who shall refuse to accept challenges. By the 103rd Article of War, severe penalties are attached to the sending or accepting of a challenge; but whilst thus dealing with the case of duelling it takes no notice of the non-adoption of the course recommended by the 17th Article of War. This article of War does not create any offence, nor declare that those who neglect to pursue the course therein suggested and approved of shall be guilty of an infringement of military law; nor does it impose any penalty or punishment for any disregard of its provisions. It doubtless furnishes instruction to officers for their guidance, and it enables those who may avail themselves of its protection to obtain shelter from any imputation of being guilty of a breach of the code of military honour, but it by no means coerces them; and I fearlessly ask, if circumstances may not daily arise in the complicated state of society in which an officer would not feel himself called upon or justified in referring a matter in which his honour was assailed to the arbitrament and decision of his commanding officer? Many cases will readily suggest themselves to this Court in which, if an officer was to be bound down by such a rigid rule he would be wholly remediless, and would be compelled to submit to that which would degrade him in the estimation of his brother officers. He may have no confidence in the judgment of his commanding officer, or that officer may be utterly undeserving of such confidence. He may again have reason to believe and apprehend that such commanding officer would not give such advice as would be satisfactory or beneficial to him. Every man ought to be the best judge and protector of his own honour and of what ought to be done for the purpose of maintaining it; and I submit that the 17th Article of War does not impose fetters which might in numberless instances prove too burdensome to be borne. The very language of this article, couched, as I have before stated, in terms of suggestion, demonstrates that it was framed for the purpose of recommendation and not by way of penal command. The present case exemplifies strongly the impossibility of construing this article as mandatory. Colonel Dickson was not amenable to any military tribunal. An outrage committed by him could not be taken cognizance of by any court-martial. The matter arose upon the expression of a desire on my part to have a few moments' conversation with him on an affair of a private and pecuniary nature connected with my marriage settlement, of which he is a trustee. How would it be possible for any officer, insulted by a man in such a position, and under such circumstances, to justify himself in the estimation either of his brother officers or of society at large, by preferring a complaint to the

commander of the regiment, who would confessedly be wholly unable to deal with the matter or obtain for him any address; but an attempt has been made in the present case by those who have the conduct of the prosecution to incorporate the 109th Article of War with the 17th, and thus to attach a punishment to a non-compliance with the suggestion given by that article: but the 109th Article of War only applies to cases where an officer or soldier is guilty of any act, conduct, disorder, or neglect to the prejudice of good order and military discipline. Is it an act prejudicial to good order and military discipline not to submit to the commanding officer a private quarrel between me and a civilian, arising out of matters which had not the remotest connection with the service? I submit that it is not possible to understand how good order is prejudiced or affected, and military discipline subverted or impaired by any non-compliance with the course suggested by the 17th Article of War, under circumstances like the present. If, having been insulted, and having failed to obtain an ample and suitable apology, I send a challenge to my opponent I am liable to be cashiered; if, on the other hand, I do not seek to obtain satisfaction, and if I contentedly endure the outrage inflicted upon me, I will deservedly be proclaimed to be a coward and unworthy to continue in her Majesty's service. But, having failed to obtain satisfaction, I adopt another course, and seek the protection which the law would afford, will I still be amenable to punishment under the 17th article, and would such conduct on my part be prejudicial to good order and military discipline? If the construction sought to be put upon the 17th Article of War is correct, and if it is mandatory, I would, in the case which I have last put, be subject to a court-martial for having preferred to avail myself of the protection from insult afforded by the law rather than submit the matter to be dealt with by a commanding officer who had no power or jurisdiction to obtain any redress for me, and in whose decision my own judgment might not concur; and is an officer to be exposed to the same consequences, if, as in the present case, he has sought the consent and advice of friends in whom he may have placed the most implicit confidence, and has acted in accordance with their suggestions? I submit that this Court will never arrive at such a conclusion. I will not trespass upon or weary the Court by any further topics upon this subject. I trust that the observations which I have ventured to make upon the peculiar wording of the articles themselves, and upon the results which would flow from the adoption of the construction which is pressed on behalf of the prosecution will convince you that there is no offence contained in the first charge upon which I have been put upon my trial; but even if the court should come to an opposite conclusion, I trust and confidently expect that I shall be able to show that in reality and in substance, the 17th Article of War has been complied with by me, and that when the matter between me and Colonel Dickson was brought under the notice of Colonel Bentinck, my commanding officer, I adopted his suggestions, and endeavoured in every way to act according to his directions. With respect to the second charge, which is really but a tortured modification of the first charge, I can only say that the prosecutor must have almost despaired of success, when he broke in upon the Sunday of the 9th of February instant, to apprise me, for the first time, that resort to my commanding officer was to be replaced by a resort to proper lawful steps. I submit that the prosecutor was bound to have stated in his charge, or at all events to have stated to this Court, what was meant by proper lawful steps. Is it fair, I ask, to leave me and this Court to guess at what was referred to as proper lawful steps, when the prosecutor does not even hazard the slightest explanation of this uncertain phrase? The second charge, I submit, is completely vague and uncertain, and is to me almost wholly unintelligible. It is not within the words of any of the Articles of War, and if officers are to be exposed to trial for supposed offences, which cannot be discovered by non-professional persons, upon a perusal of the Articles of War, and which can only be discerned, if at all, by the trained mind and practised intellects of lawyers, when their ingenuity and subtlety are set to work in order to frame charges against a man whom he may be desirous to condemn, these Articles of War, instead of being plain guides, easy to be understood, will be converted into traps and snares, by means of which those who are amenable to them may unwittingly and unconsciously be entrapped and ensnared. This, I submit, was not the intention of those that framed these articles, which are meant to apply as well to the most ignorant soldier in the service as to the officer of the most trained and cultivated mind. Nor do I anticipate that your decision will be that I did anything prejudicial to good order and military discipline in not having caused a summons to be issued from one of the London magistrates against Colonel Dickson, for the purpose of having him bound over to keep the peace against me, or for having omitted to file a criminal information against him in the Courts of Westminster. Passing from these matters, I will proceed to a history of the transactions out of which the present charges have arisen. In the month of October, 1860, I obtained leave of absence for two months, and intending to go to the country, was desirous, before my departure, to have a conversation with Colonel Dickson, who was then, and still is, a trustee of my marriage settlement, and between whom and me there had been differences about legal and pecuniary matters connected with his trusteeship. I had resolved to leave London on the 18th of October, 1860, and having casually ascer-

tained, on coming into the Army and Navy Club, on the evening of the 17th of October, 1860, that Colonel Dickson was then dining there, it occurred to me that it would be well for me to take advantage of the opportunity thus presented, in order to obtain from him the information which I required about my affairs. I accordingly sent in a message, couched in polite language, that I requested an interview with him for a few moments. He then replied that he declined to see me, and sent me word to put in writing what my business with him was about. Being most desirous of speaking to him upon the subject to which I have referred, I then wrote a note to him to the effect that I would feel obliged by an interview for a few minutes. Very shortly after, as I was sitting on a sofa in the inner lobby of the club, Colonel Dickson came out of the strangers' room. I rose from the sofa, and Colonel Dickson came over towards me. It is altogether untrue, as stated by Colonel Dickson, that I waylaid him. I then said to him that I was sorry for disturbing him, but that I was anxious to know when the business between him and me was likely to be settled. It is wholly untrue that there was anything offensive in my style of addressing him. Colonel Dickson, in reply, said he believed that it would be soon settled, but that he could not tell when; he then added, "Captain Robertson, when I have settled with you legally, I will settle with you otherwise." I observed, "I was quite ready as soon as he was." Nothing further occurred at that time, nor was Captain Durant then present. Colonel Dickson walked away a short distance towards the place where the coats and hats are kept, and I remained at the sofa. Shortly after I heard Colonel Dickson calling out my name, and stating that he wished to speak to me. I then looked towards him and observed that Captain Durant was by my side. In answer to his call I walked up to him, and he then used for the first and only time the scandalous and unbecoming language stated by him in his evidence, and having so delivered himself, he walked away. As to the statement made by the prosecutor, but which has not been proved in evidence, that Colonel Dickson shook his fist in my face upon that or any other occasion, it is pure fiction. I confess my first impulse was to inflict personal chastisement upon the spot on Colonel Dickson, but I restrained myself upon the thought occurring to me that he was not a member of the club, and was present then simply as the guest of Captain Durant. I immediately endeavoured to ascertain whether any gentleman with whom I had a sufficient personal acquaintance to authorize me to ask him to act as my friend was then in the club, but, as the night was somewhat advanced, I could not find any. However, early on the following morning I applied to Captain Henry, and I placed the matter in his hands, for the purpose of demanding either a suitable and ample apology, or immediate satisfaction. I saw him again in the course of the same day, and was informed by him that he had seen Captain Durant as Colonel Dickson's friend—that Captain Durant had submitted to him a letter from Colonel Dickson, which, acting as my friend, he could not accept as an apology. I then told him that the only thing left was to send a challenge to Colonel Dickson, to which he replied that there was not the least use in doing so, as Captain Durant had told him that Colonel Dickson would not go out, or have anything to do with me, until he had legally settled with me. I then observed, "Your decision is that a challenge is not to be sent to Dickson; you perfectly understand that I am ready to do whatever you wish me." To which Captain Henry replied, "Yes, it is not the least use until such time as this legal business is settled between you." I pledge my honour, as an officer and a gentleman, that I was both then and at all other times perfectly ready and willing to send a challenge to Colonel Dickson, and that I was prevented from doing so by Captain Henry alone. I had confided my case to him, and I unfortunately considered that I was bound to follow the advice which he gave me. As to the statement contained in Captain Henry's letter of January, 1862, to Colonel Bentinck, that I refused to meet Colonel Dickson except he would stake the price of my commission—a letter written by him after he had been blamed for his conduct in the transaction, and for having through his advice placed me in a false position, and which statement he repeated in his evidence—I arraign it as one totally devoid of truth, and not worthy of the slightest credit. I never imposed any conditions, and never interposed any obstacle in the way of meeting Colonel Dickson. I never shrunk from the responsibility of encountering him or sending him a challenge, and I never bestowed one moment's thought about my commission or the price of it. I contrast that statement of Captain Henry's with the other portion of his evidence, in which he swore that Captain Durant (Colonel Dickson's friend) told him that Colonel Dickson would have nothing to do with me in any way until he settled with me legally, and that any other matter might be settled afterwards; but above all, I can rely not merely upon what Captain Henry has sworn on his trial; that might, indeed, prove but a poor protection for me. I call in evidence against his oath his own written statement of the 23rd March, 1861, given to him by Mr. Owen, when that gentleman had consented to make a further effort to obtain satisfaction for me from Colonel Dickson—given by him for the purpose of informing Mr. Owen as to what had taken place in October, 1860, and which letter was intended to be a guide to that gentleman in his application to Colonel Dickson. Did Captain Henry, when he gave that statement, wilfully put in writing that which he knew to be false? Did he wilfully seek to mislead Mr. Owen, to induce him to believe that everything was done by me that I could do

in order to obtain satisfaction, when, if his present evidence contains one grain of truth in it, he knew that I had declined to meet Colonel Dickson, except the price of my commission was secured to me? Did he deliberately then state a falsehood to Mr. Owen, whom he was pretending to instruct as to the truth of what had happened, when with his own pen, and under his own hand, he declared he was bound to state that were it not for what he most distinctly understood from Captain Durant as to Colonel Dickson's determination not to have anything whatever to do with me until he should have settled some legal transactions pending between us, and for the advice which he in consequence gave me, I would at once have proceeded to take immediate steps to demand satisfaction for the insult offered to me? There is a document which cannot err. Captain Henry either deliberately penned a falsehood on the 23rd of March, 1861, and deliberately deceived Mr. Owen, whom he was pretending to instruct, and to whom he was bound in honour to state the truth, or he stated what was not true in his letter of January, 1862, and in the evidence which he has given before this court. I conceive that he is not to be congratulated upon the success of his attempt to relieve himself from blame by the betrayal of his friend, whom he professed to serve, and by sworn evidence, which his own letter of the 23rd of March, 1861, contradicts on every material point. But my refutation of Captain Henry's evidence does not even stop here. He mentioned the name of Colonel Clarke, late of the 14th Light Dragoons. I will produce that gentleman before you, and he will depose to you as to what occurred at an interview between him, Captain Henry, and myself, some two or three days after the 17th of October, 1860. He will tell you that upon that occasion I came into the club and found him and Captain Henry in conversation; that I asked him if Henry had mentioned the matter to him, and said that the only thing now left is to send a challenge to Colonel Dickson; that Captain Henry then told him that he had seen or heard from Durant, and Dickson would not meet me under any circumstances whatever until the legal business between us was settled, and that I then stated that a challenge ought to be sent; that Dickson was a slippery fellow, and would get out of it by saying that he had not been sent a challenge, and that Colonel Clarke, induced by Captain Henry's statement, then dissuaded me from so doing, and said that Colonel Dickson could not make such a statement after what had taken place. I ask this Court whether I am not acquitted upon the evidence already given, even without the aid of that which will be offered by Colonel Clarke, of all the imputations of cowardice which have been so freely cast upon me by the prosecutor. Is it not manifest that I was prepared to vindicate my honour and demand satisfaction for the insult which had been offered to me? If you believe, as I confidently expect you will do, that I consulted Captain Henry with the honest intention of obtaining either an apology or satisfaction, that I placed no restraint upon his actions, and attached no conditions which could paralyse or impede his efforts, then I will ask this Court whether I deserved the epithets which have been applied to me by the prosecutor, and if I have behaved in a manner unworthy of the position which I hold in the service of the Queen. I am fully persuaded that Colonel Dickson did resolve in October, 1860, not to meet me, and that any challenge on my part would have been but an idle ceremony. His cry always was, "Wait until I have settled with you legally, and then I will settle with you personally." Colonel Dickson still remains the trustee of my settlement, the legal matters are still to be arranged, and notwithstanding the threats which have been uttered by him as to what is to be done upon the day of reckoning, I will be rejoiced if my life is spared for a sufficiently long period of time to see the day come when Colonel Dickson will have finally closed these legal questions. I now pass on to the month of March, 1861. The rumour then for the first time reached me that Colonel Dickson had been spreading base reports derogatory to my character. I then told Captain Henry that I would get my friend, Mr. Owen, of the 2nd Cheshire Militia, to act for me in the matter. Captain Henry said I could not make a better selection. I spoke to Mr. Owen, who immediately consented to seek an interview on my behalf with Colonel Dickson, and in order that he might be fully and clearly informed of what had occurred in October, 1860, for his guidance in the task he had undertaken, Captain Henry wrote out for him the letter or statement of the 23rd of March, 1861. I beg to call the attention of the Court to this letter, every word of which, I submit, speaks trumpet-tongued in my favour, and in the vindication of my character. It is as follows:—

" Birmingham, March 23rd, 1861.

" I beg to say that I most distinctly understood Captain Durant to say with regard to the affair which occurred between Colonel Dickson and Captain Robertson, at the Army and Navy Club on the 17th October last, that Colonel Dickson would have nothing whatever to do with Captain Robertson in any way whatever until he should have settled some legal transactions then pending between them. In consequence I considered it quite useless to send a challenge until such time as they could meet without such legal impediment. Had not such been my firm conviction, I am bound to say Captain Robertson would at once have proceeded to take immediate steps to demand satisfaction for the insult offered to him on that occasion, and regret that any misapprehension on my part should have proceeded from doing so.

" R. J. HENRY."

The Court will bear in mind that this letter was written and Mr. Owen's first attempt to obtain satisfaction for me was made before Col. Bentinck knew anything of the occurrence of October, 1860. The sending of Mr. Owen on this occasion was my own spontaneous act. Mr. Owen having been thus informed of the circumstances under which a challenge was not sent on my behalf in October, 1860, immediately proceeded to London, and called on Colonel Dickson. He sent up his name. Although Colonel Dickson may not have had any previous personal acquaintance with Mr. Owen, yet he knew well who he was, and that he was an intimate friend of mine. Mr. Owen then sends a note to Colonel Dickson, dated the 28th of March, 1861, and which I now read, "Mr. Owen presents his compliments to Colonel Dickson, and begs the favour of an interview. If Colonel Dickson will let him know at what hour and when he can see him he will oblige." If the gallant colonel of the Swiss Legion did not believe that Mr. Owen was a sheriff's bailiff, or some law officer seeking to serve him with legal process, it would, to ordinary minds, and to the uninitiated, be inexplicable why he should not grant the favour of an interview to Mr. Owen. The Colonel proceeds, however, with great caution and circumspection—he has an inkling that Mr. Owen's business was to demand satisfaction for me. This might, however, not prove to be the case; so, by way of reconnoitering, he sends in reply the following letter to Mr. Owen:—"Colonel Dickson begs to acknowledge the receipt of Mr. Owen's note, and not having had the advantage of knowing him, Colonel D. will be obliged by being informed for what reason or purpose an interview is requested.—March 27, 1861." This was the perfection of military tactics. The Colonel thinks an enemy is near, that there is some ambuscade into which he may be drawn, and that he may come to harm—he, therefore, advances his skirmishers to unmask, if possible, the enemy—he writes the letter which I have read, and he meets with complete success. This Court will recollect that Mr. Owen's first letter, which I have read, is dated 26th of March, 1861. Colonel Dickson bestowed some thought before he answered it, for his reply is dated the following day, the 27th of March, 1861. Mr. Owen's first letter merely requested an interview; it conveyed no intimation of the object of the visit; however, Colonel Dickson slept on it before he resolved what course he would adopt, whether he would grant the interview or not, and finally he sent the reply which I have read. Mr. Owen thereupon immediately wrote another letter, of the 27th of March, 1861, which has been also given in evidence, and which is in the following words—"In reply to Colonel Dickson's note, Mr. Owen begs to state that the interview requested is on behalf of his friend, Captain Robertson, 4th Dragoon Guards." Colonel Dickson had now attained his object, he forthwith recalls his skirmishers, and keeps closely within his entrenched position. In hot haste, a day or night's delay was not now required; he on the same 27th of March, 1861, pens the following reply to Mr. Owen:—"Colonel Dickson presents his compliments to Mr. Owen, and in answer to his note begs to decline having any interview whatever relative to Captain Robertson, 4th Dragoon Guards, or to his affairs," and thus the matter ended for the present. Mr. Owen returned foiled and baffled, utterly unable to effect his object, or to approach in any manner this inaccessible Colonel. I must call your attention to Colonel Dickson's explanation, and to the reason given by him for not seeing Mr. Owen. He says, in his evidence, that the letter from Mr. Owen in March merely alluded to Captain Robertson's affairs, and that he, Colonel Dickson, did not know whether it alluded to legal affairs, or to what took place on the 17th October, 1860. This is, I submit, almost incomprehensible; but why, if Colonel Dickson thought that the proposed interview was to be about legal affairs, should he have refused to see Mr. Owen? These legal affairs seem to have been perpetually haunting Colonel Dickson, but he admits that the idea flashed across his mind that the visit of Mr. Owen might have reference to the occurrence of October, 1860. He knew well that it referred to that, and to nothing else; and he accordingly took care, before he refused to grant the interview, to have a consultation with his friend, Captain Durant. I submit that the excuse put forward by Colonel Dickson as to his having any doubt upon his mind in reference to the object of Mr. Owen's visits, is a miserable and hollow pretext. And now, gentlemen, I must go on to Colonel Bentinck, who will henceforth be the principal character moving in this case. On or about the 15th of May, 1861, he, for the first time, required from me an explanation relative to the affair between Colonel Dickson and myself. He directed me to send in a written statement of the affair, which I did. I brought it to Colonel Bentinck on the 20th of May, 1861, and after he read it he told me that Captain Henry had not acted with sufficient energy, and that I ought to have insisted on his sending a challenge on my behalf to Colonel Dickson, and he then advised me to send a challenge. Colonel Bentinck had stated in his evidence that he had no distinct recollection of having made these statements. I regret extremely that such a remarkable failure of recollection should have befallen the Colonel in reference to these matters. I am now upon my trial, my evidence on oath as to what occurred cannot be received, it therefore presses upon me with great weight, and with no little hardship, that Colonel Bentinck should not be able, or should decline, to give any more specific answer to my question. But all the matters

connected with this unfortunate transaction are too vividly impressed upon my mind to admit of any mistake or failure of memory on my part with respect to what took place, and to the exact expressions used by Colonel Bentinck, and I pledge myself that at that meeting Colonel Bentinck did tell me that Captain Henry had not acted with sufficient energy, that I ought to have insisted upon his sending a challenge to Colonel Dickson, and that I ought even then to send one. This was the advice, and the only advice, then given to me by my commanding officer. I obeyed that advice, and accordingly on the 25th May, 1861, I again sent Mr. Owen on another wild-goose chase, to hunt up Colonel Dickson, and if possible, to unearth him. Mr. Owen again went to Colonel Dickson's house and asked for an interview, which was again refused. Mr. Owen then wrote and sent to him the letter dated the 25th of May, 1861, which has been already given in evidence, but which I beg to read again. It is as follows—"Colonel Dickson having again refused Mr. Owen an interview relative to Captain Robertson's affairs, he has no other alternative than to write to ask Colonel Dickson to withdraw the language he used on the 17th of October last, or, in the event of not doing this, to name a friend to settle it in another way. If this is not done, Captain Robertson will make the matter public in order to vindicate his character." Colonel Dickson admitted in his evidence that there could be no mistake as to the purport of this letter. It is scarcely necessary that I should thank him for the candour of this admission. Appended to this letter there was also sent to Colonel Dickson a copy of Captain Henry's letter or statement of the 23rd of March, 1861, which in express terms intimated to Colonel Dickson that it was the statement of his own friend, Captain Durant, to Captain Henry, which prevented the latter from making a formal demand for satisfaction in October, 1860. One would have imagined that these letters required an answer and explanation from Colonel Dickson, but none could be extracted from him—he sent no reply, and furnished no contradiction to any of the allegations contained therein. I immediately informed Colonel Bentinck of the steps which I had taken, and of the unsuccessful result of Mr. Owen's attempt. My letter to the Colonel has been given in evidence. It is headed "Sunday morning." This court will, therefore, see that I faithfully informed the Colonel of all that I had done, and of the mode in which I had attempted to carry out the directions which he gave me; and if the matter was not brought to a successful issue, I do think that if blame were to attach to any one, it was not to me. Having given this information to the Colonel, I anxiously awaited further instructions from him, but none were vouchsafed to me. In this dilemma, and after having been thus foiled in every effort which I had made, I was resolved to try one more expedient. The Colonel had told me that Captain Henry had not acted with sufficient energy. Mr. Owen tried to make up for the deficiency, but failed. My ingenuity was taxed to the utmost to ascertain some other mode of displaying that energy which the colonel called for. I accordingly prepared notices and caused them to be forwarded to the Army and Navy Club, of which I was member, and to the Junior United Service Club, to which, I believe, Colonel Dickson belonged. I bestowed considerable thought and attention upon their composition. I came to the conclusion that the language in which they were couched was amply strong and plain enough; in fact, I did not see how I could make it stronger. One of these notices has been given in evidence, but with your permission I will read it again. [The notice will be found at page 11.] I sent the above notices and letters to the secretaries of the Clubs requesting to have them laid before the Committees of the Clubs, and then posted up in the public room. Permit me to read one of the letters which has been also given in evidence. [This letter will be found at page 12.] I informed Colonel Bentinck that I had sent them, and I read them to him; but still he was not satisfied. The colonel told me it was not half strong enough—that it was not the thing at all, and would not do. In his evidence he states he has no recollection of having told me that it was not half strong enough. Really it is a cruel and pitiable thing to find Colonel Bentinck so oblivious about every matter which, if admitted, would show the treatment I received with reference to this transaction. His memory, so tenacious with respect to all that tells against me, fails completely when exposed to the test of the few questions put by me on cross-examination; but I say distinctly that the colonel did use these expressions to me in references to these notices. He admitted in his evidence that he told me they were useless; and mark the reason he assigns for this. He says he thought them useless because they were sent to the secretaries of the club and not to the members of the club. Could he have forgotten that by my letters I requested the secretaries to place them before the committees, and then to have them posted in the public room? And could he have forgotten, when he ventured to give such an explanation, that he himself had seen and read these letters? I deny that he ever made this objection to me; the sole fault he found was, that they were not strong enough. The following are the replies which I received from the Secretaries of the Junior United Service and Army and Navy Clubs:—

"Army and Navy Club, June 19th, 1861.

"Sir—I have this day the honour of laying before the committee your letter of the 14th instant, together with the paper enclosed therein, which was duly read to them. In reply, I

am directed to state that the committee must decline placing on the table of the club the notice forwarded by you containing matters in dispute of a private nature between yourself and an officer who is not a member of this club. I have the honour to be, sir, your obedient servant,

"T. WALCOT, Secretary.

"Captain A. M. Robertson, 4th Dragoon Guards."

"Junior United Service Club, June 22d, 1861.

"SIR—I have to acknowledge your letter of the 14th instant, enclosing a notice, and requesting that it might be posted in the public room; and in reply, I am directed by the committee to inform you that, as the notice appears to be of a personal character, and that it is contrary to the custom of the club to post notices of that nature, the committee regret that your request cannot be complied with.—I am, &c.,

"HUBERT DE CARTERET, Secretary.

"Captain A. M. Robertson."

I was now fairly at my wit's end, my ingenuity was worn out, but in the meantime Colonel Bentinck was not idle, for on the 1st of June, 1861, he wrote an official letter upon the subject to the Assistant Adjutant-General at Manchester, to be laid before Sir George Wetherall, the Lieutenant-General commanding the Northern District. This letter has been given in evidence; but as I wish to call your attention to some matters connected with it, I will take the liberty, even at the risk of being tedious, to read it again to you. It is as follows:—

"Birmingham, June 1st, 1861.

"SIR—It having recently come to my knowledge that Captain Robertson, of the Regiment under my command, had been publicly insulted in the lobby of the Army and Navy Club, London, on the 17th of October, 1860, by Colonel Dickson, in the immediate presence of Captain Durant, by using the expressions that 'when I have settled with you legally I will settle with you personally, by horsewhipping you in front of your regiment,' and at the same time shaking his fist in his face, I consider it my duty to call on Captain Robertson for an explanation regarding the circumstances above alluded to, and requested at the same time that he would satisfy me that he had received an ample apology from Colonel Dickson for the insult that had been offered to him, as an officer and a gentleman. I extremely regret to acquaint you that I do not consider Captain Robertson's explanation of the circumstances in the slightest degree satisfactory, as he has not, in my opinion, nor in that of the officers of the 4th Dragoon Guards, justified himself for the language that has been used towards him. I therefore request that you will lay before the Lieutenant-General the accompanying documents from Captain Robertson (marked A), from Captain Henry (marked B), and from Colonel Dickson (marked C), in answer to those statements; and request he will grant a Court of Inquiry, for the purpose of investigating the whole of the circumstances of the case.—I have the honour to be, sir, your most obedient servant,

(Signed)

"A. C. BENTINCK,

"Colonel commanding 4th Dragoon Guards.

"The Assistant Adjutant-General, &c., Manchester."

Now, I invite your particular attention to the documents which were sent by the Colonel with the foregoing letter. They were three in number—my statement to the Colonel, and also Captain Henry's statement, both dated 20th May, 1861, and a letter from Colonel Dickson, dated 28th May, 1861. By some legerdemain, which has not been explained, as far as I can see, three other documents were subsequently brought by him under the notice of the Lieutenant-General. They consisted of two letters from Captain Durant, and one from Major Jones to me, calling for an explanation. The Colonel's letter of the 1st of June is written in the strongest and most bitter terms against me. He was cognizant at that time of the several ineffectual steps I had taken, through Mr. Owen, to obtain satisfaction, but he carefully avoids all allusion to them. He then had in his possession my letter detailing what Mr. Owen had done, and he had Mr. Owen's letter to Colonel Dickson. He does not forward them; they are kept back from the commanding officer. He forwards my statement; he could not avoid doing so. He also sends that of Captain Henry. I thank him, not for that, because it was alluded to in my statement and could not be withheld; but every fact, every document which told in my favour which could be withheld was withheld. Is this candid—is this the treatment which I ought in common justice to have received from him whom you are told by the prosecutor I ought to have consulted and confided in? But, further, does he even complain in that letter of the 1st of June, 1861, that the matter had not been submitted to be dealt with by him? Not a syllable about it. He had told you in his evidence that it was not so submitted. He knows in his heart and soul that everything which he directed me to do was done; aye, even to the committing of a breach of one of the articles of war. But Sir George Wetherall declines to grant a Court of Inquiry, upon the ground that he could not order the attendance of the parties. Sir George Wetherall was gifted with second sight; for it appears that Colonel Bentinck, having written to his friend Colonel Dickson asking him to appear

before such court, received a reply from him refusing altogether to comply with the request. Sir George Wetherall, however, informed Colonel Bentinck that if he thought it expedient to prefer charges against me, Sir George Wetherall would refer them to the decision of the Commander-in-Chief, and Colonel Bentinck declined to adopt this course. In some mysterious manner, however, the matter was brought under the notice of the Commander-in-Chief, and we have it from Colonel Bentinck that a communication was received, to the effect that his Royal Highness could do nothing without further information. Colonel Bentinck afterwards told me of Colonel Dickson's refusal to appear before the Court of Inquiry, and that this was in my favour; that Colonel Dickson had acted in a wrong manner, and that Colonel Bentinck would tell him so. After all these proceedings I indulged in the flattering hope that I would at length be permitted to have some rest and peace. I felt that I had exerted myself to the utmost, and had strained every effort to release myself from blame, and to carry out, in every way, the directions which had been given to me by Colonel Bentinck; but it was fated otherwise. Colonel Bentinck had not attained his object. I must be driven on some pretext or another from the regiment; and, in pursuance of this determination, Major Jones, by the command of Colonel Bentinck, wrote to me a letter, dated the 4th of July, 1861, which has been given in evidence, but which I will ask you to allow me to read again, as my reply to it has formed one of the leading topics of the elaborate statement of the prosecutor, and has been assigned by him as his excuse for not allowing me, on the 1st of October, 1861, even twenty-four hours, or any other time, however brief, to consult my friends before deciding as to the course I should pursue. [Major Jones's letter will be found at page 15.] Can any one with the feeling of a gentleman say that that letter was not an act of the grossest cruelty and oppression. The Colonel knew at that time all that I had done. He had read Captain Henry's letter of the 20th of May, 1861; he read the correspondence between Mr. Owen and Colonel Dickson; he knew that Colonel Dickson had refused to meet me or to apologise; he knew that I had written the notices to the Clubs; he was aware that Colonel Dickson had declined to attend before a Court of Inquiry; Colonel Bentinck had not availed himself of the suggestion of preferring charges against me; and with full knowledge and cognizance of all these facts he coolly asks me had I done that which he well knew was a sheer impossibility. I arraign his conduct in causing that letter to be written to me, with the knowledge of all that occurred—with the knowledge that I was powerless to take any other measures—as tyrannical and vindictive. Harassed and tormented, I did in reply write the letter of the 4th of July, 1861. It is as follows:—"As the details mentioned in your letter have been already before the General commanding the district, and also, I have reason to believe, before higher military authority, I therefore decline to hold any further communication on the subject with any one, either now or at any future time."

I ask this Court, fearlessly, what other reply could I have given to such a letter—a letter which was nothing but a cruel mockery? This reply of mine has been made by the prosecutor the groundwork of some of his bitterest attacks upon me. I abide by that reply, and say that no fair and honest and impartial man, with a full knowledge of all the facts of which Colonel Bentinck was at that time aware, could find in it the slightest pretext for censure or abuse. But before I leave the evidence which has been adduced in support of the first two charges, I feel bound to call attention to one most remarkable omission on the part of the prosecution. Every calumny has been heaped upon me, and letters written by Captain Durant have been placed before the Court contradicting statements made by Captain Henry in his letter of the 20th of May, 1861, and conveying imputations the most injurious to me. Captain Durant has been returned as one of the witnesses proposed to be examined by the prosecutor. He has been during this trial within the precincts of this barrack-yard, within call. The prosecutor stated he would produce him—but he has not ventured to do so—to corroborate upon his oath the statements contained in his letters. This speaks for itself; comment upon my part would be worse than useless. But the letter of Major Jones of the 4th of July, 1861, was not written without an object. The determination to drive me from the regiment could not be carried out by direct means; it was necessary to endeavour to attain that end indirectly. This Court will remember that Colonel Bentinck stated that about the 15th of May, 1861, he begged of me not to go into the messroom or mix with the officers. By the same process of reasoning by which it is sought to convince the Court that no pressure or intimidation was exercised at the interview of the 1st of October, 1861, Colonel Bentinck said that that was merely a recommendation upon his part and not an order; but, in reply to further questions, he was obliged to admit that if after such recommendation he had found me in the messroom he would have turned me out. Colonel Bentinck proceeded to state that that order was removed by him on or about the end of May, 1861, because that, having referred the matter to Sir George Wetherall, he considered it would have been an arbitrary measure to continue his prohibition any longer. The acts and conduct of Colonel Bentinck, to which I shall now allude, will test the accuracy of that

explanation of Colonel Bentinck, and will show the mode in which it was sought by means of every species of annoyance, insult, and degradation, to get rid of me. In the month of June or July, 1861, Colonel Bentinck sent for me, and when I came to him he told me in an authoritative manner to send in my papers and leave the regiment. He also told me he would not give me a day's leave of absence while I continued in the regiment. I respectfully declined to send in my papers. Some time after Major Jones was in command during the absence of the Colonel. I asked Major Jones for some trifling and short leave of absence, which I then required. Major Jones replied that he had received orders from Colonel Bentinck not to give me leave, and he showed me at the same time a written memorandum which he had received from the Colonel to the like effect. But this was not all. Some time after, in or about the months of August and September, 1861, the Colonel again sent for me, and ordered me to attend morning and evening stables until further directions. This Court knows whether, according to the course of the service, this was a proper or usual order to be given to the captain of a troop. No officer in the 4th Dragoon Guards, except the subaltern on duty, is required so to attend, and I believe this is the universal custom in the army. I obeyed the order, and attended morning and evening stables during the space of a fortnight or three weeks, until the regiment left Birmingham. Colonel Bentinck had never found the slightest fault with the internal management and economy of my troop. In consequence of this treatment I wrote a letter upon the subject, through Colonel Bentinck, to the Adjutant-General, at Manchester, for the purpose of having the matter laid before Sir George Wetherall. Not having heard anything about this communication, I wrote to Colonel Bentinck, to ascertain whether it had been forwarded, to which letter I received no reply; and I fully believe that my complaint was never submitted to Sir George Wetherall. My letter to the Adjutant General was as follows:—

“Birmingham Barracks, 4th Sept., 1861.

“Sir—I have the honor to report for the information of the Lieutenant-General commanding the Northern and Midland Districts, that I have received orders from Colonel Bentinck, commanding 4th Dragoon Guards, to attend morning and evening stables until further orders—namely, morning stables from half-past five o'clock until half-past six, a.m.; and evening stables from half-past five o'clock until quarter-past six, p.m. This not being in accordance with the rules of the service, and no other officer of the regiment (with the exception of the orderly officer of the day) being obliged to do so, as senior Captain present with the head-quarters of the regiment I must look on this order as a very severe measure, as it involves my going to stables three times a day instead of once, namely, mid-day stables, from twelve to one o'clock, p.m., which all officers of the regiment attend. I have, therefore, to request that the Lieutenant-General commanding the district will take the matter into his consideration and request Colonel Bentinck for an explanation.—I have the honor to be, Sir, your most obedient servant,

“ARTHUR M. ROBERTSON,

“Captain 4th Dragoon Guards.

“To the Assistant Adjutant General, Manchester.”

Again, while the regiment was at Birmingham, and in or about the months of June or July, 1861, as I was reading a newspaper in the messroom, Colonel Bentinck entered and ordered me, in the presence of my brother officers, to leave the room. Upon another occasion during the same period, Colonel Bentinck being about to leave for a short time, and I being then the senior officer with the regiment, Colonel Bentinck gave directions that Captain M'Donnell, four years my junior, should be placed in command. The acts of which I have already given you a history would, I think, suffice to show you the resolution which had been formed to force me to resign; but there are others yet to be related which, I believe, will fill with astonishment the mind of every officer and gentleman who hears them. During the same months of June or July, I was again sent for by Colonel Bentinck, and when I came to his rooms he read out to me a paper, which he said he was to lay before General Lawrenson, Inspector-General of Cavalry, whose arrival was then expected. As nearly as I recollect, the purport of this document was that I should be called upon to leave the regiment in consequence of my conduct relative to Colonel Dickson's affair, and in consequence of my habit of making mis-statements to my brother officers. The colonel told me that this document would be signed by many of my brother officers. I replied that I had already done all I could do with respect to the Dickson affair; and that, as regarded the other statement, it was an untruth. I also asked the Colonel which of the officers ever made such a charge, but the colonel would not mention any names; whereupon I told him that he should not place any reliance upon hearsay reports. The colonel concluded by telling me that he had ascertained there was nothing illegal in the document, and that I would be removed from the regiment. This document was, as I am informed and believe I will be able to prove, got up with the privity and sanction of Colonel Bentinck, and was with his like privity and sanction handed round, and sent from place to place, for the purpose of getting the several officers to sign it. Some signed it reluctantly, and only after they had been told that it was the colonel's wish they

should do so. Others, to their honour, manfully resisted all the influences which were brought to bear upon them, and wholly refused to have anything to do with it. I am very certain that this Court will not sanction such an act, and that it will view with the indignation which it merits the conduct of a commanding officer in encouraging or even tolerating such a proceeding; and I am to be told after all this that no pressure was put upon me, and that my sending in my papers was my own free act! I know not what has become of this document; I asked to see it; I begged for a copy of it, but I was refused; and thus I was to be sacrificed by gross libels on my character, winked at—nay, more, encouraged by my colonel. But the ingenuity of the colonel discovered another mode of giving me annoyance, and of degrading me in the eyes of my companions and of the men of the regiment. I was on one occasion actually ordered by the colonel to exercise in the riding-school with a back-board. I had been this time serving her Majesty for upwards of fifteen years. One matter further I have to bring under your notice, and then I will have completed the catalogue of indignities and wrongs to which I am subjected. The beginning of the month of September, 1861, the 4th Dragoons were ordered from Birmingham to the Curragh, and I was told by Major Jones that the colonel had ordered him to take away my subaltern on the line of march, so that I was to be left to do all the duty myself. I was the only captain with the squadron. This order was so unusual, and so much calculated to degrade me not merely in the estimation of my brother officers, but even of the troops under my command, that I felt it my duty to lay the matter before the Lieutenant-General, Sir George Wetherall. I accordingly wrote the following letter, through Colonel Bentinck, to the Adjutant-General commanding at Manchester.—

“On line of March, Newcastle-under-Lyne, 7th September, 1861.

“SIR—In reference to my communication, which was addressed to you from Birmingham, on the 4th instant, I now beg to state for the information of the Lieutenant-General Commanding, that on the morning of the 5th September, Major Jones, commanding the squadron on the line of march between Birmingham and Newcastle, informed me that he had received instructions from Colonel Bentinck, to the effect that I was to have no subaltern officer to do duty with my troop, but was to do all the duty myself. I am the only captain with the squadron, and the other troop has one subaltern commanding it, and three others in addition doing duty. As this does not appear to me to be in accordance with the rules of the service, I beg leave to refer this to the consideration of the Lieutenant-General, to request him to call on Colonel Bentinck for an explanation. Should the Lieutenant-General consider this order to be at variance with the usage of the service, he will be able to obtain an explanation from Colonel Bentinck.—I am, sir,

“A. M. ROBERTSON, Captain 4th Dragoon Guards.

“To the Assistant Adjutant-General, Manchester.”

“7th September, 1861.

“SIR—I have the honor to request that you will forward to the Assistant Adjutant-General the accompanying letter for the information of the Lieutenant-General Commanding the District with the least possible delay.—I have the honor, &c.,

“A. M. ROBERTSON, Captain 4th Dragoon Guards.

“To Colonel Bentinck.”

To this communication I received the following reply:—

“Birmingham, Sept. 10, 1861.

“SIR—I am directed by the Commanding Officer to inform you that it is not his intention to forward your complaint to the General Commanding the Northern District, and that the reason for not attaching a subaltern officer to your troop is in consequence of his not considering it judicious for a young and unformed officer to associate with you, or be under your command.—I have the honor to be, sir, your most obedient servant,

(Signed) “E. HARRAN, Lieut.-Adjutant, 4th Dragoon Guards.

“Captain Robertson, 4th Dragoon Guards, Liverpool.”

Not content with refusing to forward my complaint to the Adjutant-General, Colonel Bentinck was pleased to direct his Adjutant to insult me by telling me that I was not a fit companion for my brother officers. It is not for me to make any remarks upon this conduct; it appears to me to be so flagrant and so incapable of justification, that any comment would only weaken the effect which such acts are calculated to produce upon the mind of any officer and gentleman. However, I was determined that the matter should not rest there, and accordingly, on the arrival of the regiment in Ireland, I wrote another letter upon the subject to the Colonel, and which is as follows:—

“Newbridge Barracks, 17th Sept., 1861.

“SIR—In reference to a communication I received from the Adjutant, dated Birmingham, 10th September, I have now to request that you will forward my official, dated 7th September, and which you declined to forward to Sir George Wetherall, to Lieutenant-General Sir George Brown, Commanding the Forces in Ireland, as the regiment is now quartered in

Ireland. I also wish to know if an answer has been received to my official, dated Birmingham, 4th September, and addressed to Sir George Wetherall. I desire to know on what grounds you consider it injudicious that a young and unformed officer should associate with me, or be under my command, as expressed in the Adjutant's communication, dated 10th September.—I have the honour to be, sir,

(Signed)

"ARTHUR M. ROBERTSON, Captain 4th Dragoon Guards.

"To Colonel Bentinck."

To which the following reply was sent:—

"4th Dragoon Guards, Royal Barracks,
Dublin, September 19, 1861.

"SIR—I am directed by the commanding officer to acknowledge the receipt of your letter of the 17th instant, and to inform you that Colonel Bentinck considers the last paragraph of your letter extremely disrespectful; and at the same time I am desired to acquaint you, that the Inspecting-General of Cavalry will shortly inspect the Regiment, when it is the Commanding Officer's intention to bring the subject of your correspondence to his notice, with the object of its being laid before his Royal Highness the General Commanding-in-Chief.—I have the honour to be, sir, your most obedient servant,

(Signed)

"E. HARRAN, Lieutenant-Adjutant,
4th Dragoon Guards.

"Captain Robertson, 4th Dragoon Guards."

You will now be able to form some conception of the state of my mind when on the 30th of September, 1861, I received peremptory orders to appear in Dublin on the following day. You will perceive how I had been harassed, and how every engine had been put in motion to compel me to resign. In addition to all else, I had been ill for some time previous, and was then under the care of Surgeon Cooper. It now appears that the papers which were sent to Colonel Brownrigg were only furnished to him on the 30th of September, 1861. They did not comprise a history of the entire transaction, nor of the several measures I had ineffectually taken to obtain satisfaction from Colonel Dickson, and that on that same 30th of September, 1861, a statement is made by Adjutant Harran to Lieutenant Rintoul, that it was all over with Robertson; that an order had that day gone to Newbridge for him to come up to Dublin on to-morrow, unless the doctor could certify that his life would be endangered by the journey, in order that he might appear before Colonel Brownrigg; that the Colonel had laid the whole affair before him, and that the authorities had made up their minds that he should be forced to send in his papers. From whom will this Court suppose did Adjutant Harran receive this information that the authorities had made up their minds that I should be forced to send in my papers? Thus, without conveying any intelligence to me as to the object of my summons to Dublin, without giving me any opportunity of exculpating myself, or of explaining what measures I had adopted, upon an imperfect statement sent in by Colonel Bentinck, which presented only the strong features of the case against me—after the lapse of just twelve months since the occurrence took place—after Sir George Wetherall had refused a court of inquiry, and Colonel Bentinck had declined a court-martial—after his Royal Highness the Commander-in-Chief had intimated that he could take no steps without further inquiry—the case is adjudged, and a sentence is pronounced against me, and the adjutant hears before many hours, perhaps many minutes had elapsed since the matter was first brought under Colonel Brownrigg's notice, that the authorities had made up their minds that I should be forced to send in my papers! The sequel of this extraordinary, I believe this unprecedented case, shows that the Adjutant's information was accurately correct. I hurry up to Dublin on the 1st of October, accompanied by my medical attendant. I am ushered into the presence of Colonel Brownrigg; whilst Colonel Bentinck, whom I had good reasons for believing was not an impartial person, sits in judgment on me by the side of Colonel Brownrigg. The first words uttered showed that my doom had been fixed. "Sir George Brown's orders are," said Colonel Brownrigg, "that you must take your choice of one or other alternative; to apply for permission to retire from the service by the sale of your commission, or submit to be placed at once under arrest, with the view of having the matter investigated by a court martial." In vain I asked for time, for even twenty-four hours, to consult my friends. I placed in Colonel Brownrigg's hands Captain Henry's letter of the 23rd March, 1861. It made so little impression upon him that, though he read it, he cannot now state whether it is the document which I handed to him. In vain I attempted, as well as the state of confusion and surprise in which I was would permit me, to enter into an explanation—it was all to no purpose. Colonel Brownrigg regarded all I said as irrelevant—he turned a deaf ear to it. In vain I asked to be permitted to see Sir George Brown—my inexorable judges refused everything. I should make up my mind, and submit either to a compulsory resignation, or be at once placed under arrest and brought to a court martial. In my extremity I turned towards my Colonel, in the desperate hope that I could get some respite from him. I asked permission to retire with him into another room. I told him it was a very serious question; he replied it was

a very serious question. I asked him that I might be allowed to consult my friends. The Colonel does not remember this request of mine, but I say I did make it. I asked him for this indulgence. What was the answer I received?—"My good man, you heard as plainly as possible what was the determination the Deputy Adjutant General told you Sir George Brown had come to, and it would be impossible for me to ask such a question. In my utter perplexity, I then asked him, whom I had reason to believe to be my enemy, "Colonel, what do you recommend me to do?" You heard his answer. The upshot of it was, send in your resignation; and then, looking at the clock, he told me that a quarter of an hour's time would be long enough for me to make up my mind. Colonel Brownrigg told you that the entire interview lasted not ten minutes. This was the period doled out to me in which I was to come to a resolution as to the two alternatives I should adopt—this was the space of time allotted to me for enabling me to decide as to what I should do in a matter affecting my honour and my character, and in which my decision, one way or the other, would affect my future life and position. The Colonel has admitted that he did state to me that it would be exceedingly doubtful what the decision of the court-martial would be; and, although Colonel Bentinck now denies it, I do state that in the course of that interview he did tell me that if I escaped from that court-martial he would have me tried for something which he stated had occurred on former occasions between me and Lieutenant Rintoul, and between me and Captain Webb; and so vividly did this observation impress itself upon my mind, that on my return to Newbridge on the same evening, I asked Lieutenant Rintoul if anything had occurred between him and me which could form any pretext for such a statement. But Colonel Brownrigg has attempted to justify his refusal to give me even twenty-four hours' time to deliberate, and he has based that justification upon my letters of the 20th May, 1861, and the 4th July, 1861. But now that I have gone through all the facts of this case, and have stated the circumstances under which I wrote these letters, and the unavailing efforts which I had made, to the knowledge of Colonel Bentinck, between the 20th of May and the 4th of July, I respectfully ask the Court how these letters or the expressions therein contained can justify or in any manner excuse such unusual, such unseemly pressure. Colonel Brownrigg has told you that, in reply to an observation of his, which was in these remarkable words, "Am I to understand, Captain Robertson, that this is an unbiassed decision that you have come to, and without pressure; because you must be aware that the General Commanding the Forces can have no feeling in this matter one way or the other; it is for you and you only to decide upon the course which you will pursue?" I signified to him I quite understood that. Perhaps I may have used those expressions. I felt at the time completely exhausted. It is impossible for me to describe the various thoughts and emotions which then crowded on my mind. All my hopes and prospects dashed to the ground, and my disgrace and degradation complete—those who had worried and persecuted me had triumphed—their unceasing efforts had been at length crowned with success. Well might I say to Lieutenant Rintoul, in the evening of the same day, that I had been so bullied by the Colonel that I could stand it no longer. On the impulse of the moment, when I thought myself shipwrecked, and all my hopes dashed to the ground, I did ask Lieutenant Rintoul if he would purchase the step. I do not see what harm was in this, or how it can be tortured into evidence against me. Lieutenant Rintoul has truly told you that I appeared agitated. No wonder I should. But when I was enabled to reflect more coolly upon the matter, I felt that the act which I had done in sending in my resignation when I was not a free agent was wrong and weak. I felt keenly the position in which I had almost unwittingly placed myself. I made up my mind to leave no effort untried to redeem the past, and recall the letter. I accordingly on the next day left Newbridge for London, in order that I might place myself at the greatest distance from Colonel Bentinck, and communicate with head-quarters unimpeded. I then wrote the letter of October, 1861, upon which the third charge against me is grounded. I wrote that letter, fully believing the statement therein contained. I did say that intimidation had been practised on me, and I adhere to that statement. I know not what may be Colonel Brownrigg's definition of the word "intimidation," but I do say and submit that the narrative of that interview which has been presented to the Court details acts of the greatest pressure and intimidation; and I do moreover say, that the conduct pursued towards me with such relentless purpose and persistence by Colonel Bentinck, demonstrates to any unbiassed and honorable mind that my case was prejudged, and that it was determined I should be driven from the regiment by any means whether fair or foul. The interview of the 1st of October is scarcely over—I have scarcely left the room—the ink upon my letter of resignation is scarcely dry, when Lieutenant Harvan, Colonel Bentinck's matchless Adjutant, for the first time asks the Colonel to put down his name for purchase, and a telegram flashes from him to Lieutenant Rintoul—"9 15, p.m. Sandy has sent in his papers. I am going in for his troop. Do not say anything about it." And thus the curtain drops. I have now detailed to you my case. I fear your patience is exhausted; but after the way in which these charges have been pressed against me, after the sneers which were levelled at me, and the aspersions which were cast upon my character, I consider it due

both to myself and to the Court to unfold the entire history of these transactions. I know that my case is in the hands of honourable men, who will not be prejudiced by general insinuations against my character, which my maligners will not dare to substantiate. You will, I know, cast from your minds all these foul calumnies, and I say, with a conscience void of offence as regards the charges brought against me, and which alone I have now the opportunity of meeting, that I am not guilty of them, and trust to your finding to support my plea.

The address was then signed and handed to the President.

Colonel Brownrigg—Perhaps you would permit me to have a few extracts from that document. Of course, it would be impossible to have a copy of so long a document, but perhaps the Court will allow me, at a later period of the day, to point out a few extracts.

Captain Robertson apologized for the non-attendance of Colonel Clarke, who was the first witness he intended to examine. The colonel was under the impression that his defence would have occupied a longer time in the reading of it, and had therefore gone away for a few minutes.

Colonel Brownrigg suggested that the evidence for the defence should be taken in the same order as that for the prosecution. There had been a rule laid down as to the evidence for the prosecution, and he respectfully requested that the same rule should be observed with regard to the evidence for the defence.

Captain Robertson said he had no objection.

President—The Court had a reason for making that arrangement, but there is no similar reason, that I know of, to impose that rule with regard to the defence. The Court will not impose a restriction of that kind, for there is no necessity for it.

Colonel Brownrigg—I would also wish to mention one subject to the Court, and that is, that Captain Durant can be easily sent for by telegraph, if the Court desire it.

President—The Court cannot know what evidence Captain Durant could give.

Colonel Brownrigg—No; but it is in relation to the comment on his non-appearance, and if he can throw any further light on the subject, I am most anxious that he should come. A telegram will bring him here to-morrow morning.

President—That is not the question. The Court can give no opinion on that at all. The Court cannot tell what Captain Durant's evidence may be. If Captain Robertson wishes to call him, he can do so.

Captain Robertson then handed in the following letters from commanding officers, which were appended to his defence. The first is from Sir James Chatterton, C.B., as follows :—

“Ball's Hotel, Dover-street, Monday, February 17.

“DEAR ROBERTSON—I have just received your letter, and lose not a moment in replying to it. I greatly regret to learn that you have gotten into this unfortunate dilemma. I assure you I have much pleasure in being able to bear testimony to your excellent conduct, both as an officer and a perfect gentleman, during the period you were under my command, and your attention to your duties always afforded me satisfaction. Last summer, when you were stationed at Shorncliffe, on more than one occasion, when you were good enough to show me the squadron under your order, I was greatly pleased with the admirable appearance of the men and horses, and the manner the few manoeuvres were performed quite convinced me that you were fully competent for those duties entrusted to your charge.—Believe me, very faithfully yours,

“J. CHATTERTON, Lieutenant-General, Colonel 5th R. L. Lancers.”

The next was from Colonel Gibbons, 17th Lancers, as follows :—

“During the period Captain A. M. Robertson, 4th Dragoon Guards, served under my command, in the years 1855 and 1856, at the cavalry depot, Newbridge, I had every reason to form a high opinion of his conduct as an officer and a gentleman.

“JOHN C. GIBBONS, Colonel 17th Lancers.

“Maidstone, 17th February, 1862.”

Mr. Frederick John Owen, Ensign, 2nd Cheshire Militia, sworn, and examined by the prisoner—Do you recollect the month of March, 1861?—I do. Were you asked by me, in the month of March, 1861, to act as my friend in relation to the affair which took place between me and Colonel Dickson?—I was. Did you then consent to call upon him as my friend?—I did. [Letter handed to witness.] Did you on that occasion receive from Captain Henry a letter of the 23rd of March, which is now produced to you?—I did. To the President—I saw it written. Where was it written?—At the Hen and Chickens Hotel, at Birmingham. The Prisoner—Was I present when it was written?—I cannot swear as to that, but to the best of my ability you were not. State what occurred between Captain Henry and you when

it was written.—He told me that pressing business required his presence in Ireland and asked me had I any objection to take his place in respect to what took place between Colonel Dickson and Captain Robertson; I told him I should have no objection if he would give me a written statement proving that Captain Robertson was not in the wrong, as I had only heard from other persons an account of his affair with Colonel Dickson, and, therefore, was not in a position to form any idea relative to it; Captain Henry then wrote me the letter just alluded to, and also informed me, at the same time, that he entirely exonerated Captain Robertson in every way; I have also to state that he again assured me that Captain Robertson was right. Did you, in the month of March, 1861, proceed to London to have an interview with Colonel Dickson as my friend?—I did. State what occurred then when you went to London.—Upon my arrival in London, I believe on the following day, I proceeded to Colonel Dickson's club, the Junior United Service, and inquired for Colonel Dickson, but he was not in. I then wrote two or three lines on my card, but I am not certain whether he received it or not. Those lines were merely asking for an interview. I wrote a letter, and I am not certain whether he received it. On or about the 27th March, 1861, I received a note from Colonel Dickson, stating that, he not having the pleasure of knowing me, or words to that effect, he wished to know on what subject I wanted to see him. In reply to that note I wrote to him, stating that it was on the part of my friend, Captain Robertson, 4th Dragoon Guards, that I requested the interview. I received a reply to that letter from Colonel Dickson, declining to have any interview whatever about Captain Robertson or his affairs. Concluding that it was no good doing anything further without consulting Captain Robertson, I returned to Birmingham. Did you afterwards, in May, 1861, again call on Colonel Dickson on my behalf as my friend?—I did. State what then occurred between Colonel Dickson and you.—On my arrival in London, I proceeded to his house in Eccleston-terrace, and upon inquiry learned that he was at home. I sent up my card, and requested an interview, which was denied. I forgot to mention that I sent up my card, and said that I wished for an interview on account of Captain Robertson. I then wrote a line or two on another card, pressing the interview, and stating that I thought it would be better for all. This, however, he also declined. I then returned to my hotel and wrote a letter to Colonel Dickson, stating that, as he would neither apologize or give an interview, nor refer me to a friend, I authorized Captain Robertson to inform him he should post him in the clubs. I remained in town some days after this, but received no reply; therefore, thinking it useless to remain any longer, I returned to Birmingham, and informed Captain Robertson of what occurred. Did you send to Colonel Dickson, along with the letter of May, 1861, a copy of Captain Henry's letter of March, 1861?—I did. Did Captain Henry state any reason for saying that he could not act as my friend?—He told me that pressing business required his presence in Ireland. Did he then state to you the nature of the business that required his presence in Ireland?—He did; he told me that there were rather serious charges made against himself and his witnesses in the case of a yacht, which was being tried before the court in Ireland—that they were preferring a charge of perjury against him. By the Prosecutor—Have you stated at any time, in reference to the affair between Captain Robertson and Colonel Dickson, that Captain Henry had not acted with sufficient decision?—I have. Have you had any experience in arranging or attempting to arrange affairs such as that which took place between Captain Robertson and Colonel Dickson?—I have. Are you aware, then, whether it is customary to allow the period of five or six months to elapse between an insult being offered by one gentleman to another and the party insulted calling upon the insultor for an apology or explanation?—In my opinion, it depends entirely upon circumstances. At the interview at Birmingham, or at any other between yourself, Captain Robertson, and Captain Henry, did you hear Captain Henry say he would let out about Captain Robertson stating that he would require the price of his commission to be staked before he would meet Colonel Dickson?—In the month of May I did, and Captain Robertson most emphatically denied that it was true; Captain Henry never mentioned a syllable about it in the month of March, when he gave me the letter exonerating Captain Robertson. Will you swear that when allusion was made to such circumstances Captain Robertson did not say, "Oh, that was at first?"—He did not say that in my hearing; I can swear to that. Did you, in answer to a letter of yours to Captain Henry, receive an answer from him as to the course Captain Robertson ought to adopt in case Colonel Dickson refused to meet him?—I received a letter. President—I do not think the question should be put, as I do not think the witness put in any letter of his. Captain Robertson—I have no objection to the letter being put in. The President—Then

t the question thus : Did Captain Henry address a letter to you as to the course Captain Robertson should adopt in case Colonel Dickson refused to meet him ?—He wrote me a letter, which I hand into the Court. The Judge Advocate read the letter follows :—

“ London, April 3rd, 1861.

“ MY DEAR OWEN—Your letter followed me back here from Brighton, and I only read it this morning. Colonel Dickson's letter is, I think, a strong corroboration of my temerity about his conduct on the former occasion. The case, however, assumes a different aspect, as he has been publishing a matter in the hunting field which is perfectly untrue ; I as the former was an affair within a club, and was almost without witnesses. Seeing Dickson sheltering himself under his legal shield, I did not think it prudent to advise Robertson to proceed to extremities. Were the case mine, now, I should go to Market-Harborough races to-morrow, tell Dickson that he is a liar and a coward, and hit him once, as hard as I could, and in the most public position. This I should do with the vilest cutting-whip I could get (laughter) ; as well for the purpose of offence as defence. The only other course is to put the whole matter before the colonel, and ask his advice. I was unfortunately engaged in a meeting of my lawyers to-morrow, or I would go down tonight to Birmingham. I shall, however, barring accidents, go down either to-morrow evening or the day following, and will do anything I can to assist either you or Robertson in this matter.—Most truly yours,

“ R. J. HENRY.

“ Frederick J. Owens, Esq.”

President—What letter does he allude to of Colonel Dickson's ?—It is the one we read before ; the one in which he declines having anything to do with Captain Robertson, or his affairs. By the Prosecutor—Do you know was Captain Robertson either the author or the dictator of the statement written on the 23rd of March, Captain Henry ?—Decidedly not, sir ; I was present. Are you aware that in the case of the yacht, Captain Henry got £2,000 damages, as you have alluded in your evidence that there had been a charge of perjury against him ?—I am not, sir. Colonel Brownrigg—I shall have no further questions to ask the witness ; but it will be necessary that I shall call Captain Henry to rebut the statements he has made. Re-examined by the Prisoner—Did you consider after you heard Captain Henry's account of what had taken place in October, 1860, that the delay was efficiently explained ?—I certainly did. Was Captain Henry's statement about the sale of my commission made after Colonel Bentinck had become aware of the affair between Colonel Dickson and me ?—I believe it was after it ; to the best of my knowledge it was before the second time. In reply to the Court, the witness explained that his note dated “ from the United Service Club, 26th March,” was written before his next note of the same date. The last was written after he had ascertained Colonel Dickson's residence, but in giving his evidence he had forgotten the existence of the first note. By the Court—Did Captain Robertson, to your knowledge, take any steps to arrange his quarrel with Colonel Dickson, between the periods of your communications with the latter in the months of March and April ?—No, sir ; because I advised him not to do so ; from what I heard and from what Captain Henry had stated to me, I considered it was useless until the legal proceedings were ended between Colonel Dickson and Captain Robertson. Are you aware of any reasons—that is, private reasons—known to you, Captain Robertson, and Colonel Dickson, why Colonel Dickson did not wish to see you as Captain Robertson's envoy ?—I am not aware of any reasons whatever. When you received that note from Captain Henry, suggesting that Captain Robertson's best course would be to go to Market-Harborough and horsewhip Colonel Dickson, did you communicate its contents to Captain Robertson ?—I did, sir ; I told him I thought it would be a very foolish proceeding, considering what had been done already, and I recommended him to wait. When Captain Robertson denied the truth of Captain Henry's assertion about the price of his commission being lodged, did Captain Henry make any remark ?—I do not recollect that he made any remark, but I know they had a long altercation about it at the time ; I know that Captain Henry stated that he said so, and Captain Robertson denied it ; Captain Henry still pressed it, and Captain Robertson again denied it ; by stating that I did not recollect him making any remark, I meant that he made no new remark. Did you tell Captain Robertson of this recommendation from Captain Henry to speak to his commanding officer ?—Captain Robertson saw this letter. Did he make any remark on the subject, are you aware ?—I recollect no remark at all on the subject. By the Prisoner, with permission of the Court—Did you meet Colonel Bentinck in the Army and Navy Club, in the month of May, 1861 ?—I did. State what occurred

between him and you upon that occasion in reference to the matter of Colonel Dickson?—I was just coming out of doors—I was just on the steps, inside the club; I met Colonel Bentinck, and he said, "You are just the very man I want to see;" he asked me about Colonel Dickson's affair; after I told him that Colonel Dickson would not see me, I gave him the address, and he said he would call on Colonel Dickson. By the Court—Had you any conversation with Colonel Bentinck before you told him about Colonel Dickson not seeing you?—I had; he asked me about it; first of all, he asked me about Colonel Dickson, and if I would give him his address; in the first place, he said I was the very man he wanted to see. What did he say about Colonel Dickson? He asked me about Captain Robertson's affair. What question did he put to you?—I cannot recollect; he asked me whether I had seen Colonel Dickson, or words to that effect; then I told him that Colonel Dickson would not see me, and he asked me to give him his address. Had you any conversation with Colonel Bentinck about Captain Robertson at that time? Not to my recollection, sir; I believe not; I may have mentioned Captain Robertson's name, but I had no conversation with him; I had only about two minutes' conversation. Had you been acquainted with Colonel Bentinck before you and he met on that occasion?—I had. And if so, how long?—Two or three months; when I first went to Birmingham.

Colonel William Clarke sworn, and examined by the Prisoner.—Had you on or about the 18th of October, 1860, any conversation with Captain Henry relative to the occurrence which had taken place between me and Colonel Dickson?—On the 18th of October, 1860, I was in the Army and Navy Club; on or about that date Captain Henry was sitting at the next table to me, and mentioned that there had been a "row" between Captain Robertson and Colonel Dickson the night before; I asked him what it was about, and he said it was about some family matters connected with the marriage settlement of Captain Robertson; Captain Henry said that Captain Robertson had called upon him, as a friend, and being an old brother-officer, he was going to act as such, by seeing Captain Durant, or writing to him on the subject. Do you recollect an interview between Captain Henry, and you and me, in the month of October, 1860, in reference to the same occurrence between Colonel Dickson and me, in the Army and Navy Club, on the 17th of October, 1860? Witness—Two or three days afterwards at the Club—this is to the best of my recollection, it is so long since—I believe it was two days, I was again at the club, I saw Captain Henry there, and said to him, "Henry, how did you settle that affair, or has it been settled?" or words to that effect; he gave me to understand, from the way in which he answered that question, that it was not settled; that he had a letter from Captain Durant, I think he said, in which Captain Durant stated that he would have no more to do with the matter—this is to the best of my recollection—or that he had seen Captain Durant, and he said he would have nothing further to do with the matter, in consequence of Colonel Dickson having refused to have anything whatever to do with Captain Robertson until he had settled with him legally; I knew at the time that a family quarrel had been going on for some months, regarding the marriage settlement, and that Colonel Dickson was one of the principal parties concerned, and I think I said so; I believe I did to Captain Henry; just as he had mentioned this Captain Robertson came into the Club and asked me if Henry, who was sitting close by, had mentioned the circumstance to me about the Dickson affair; I think he said I told him that he had just mentioned that "Colonel Dickson has refused to meet you"—these were, I think, the very words—"under any circumstances, whatever, until he has settled with you legally;" Captain Robertson then said, addressing Captain Henry, as I suppose, that he would call out Colonel Dickson, or that he ought to be challenged; I do not now recollect which of the words were used, but I believe it was the word "challenge" that was used, Captain Robertson saying at the same time that "Dickson is a slippery fellow, and if I don't call him out, or challenge him, he might go and say I have not done so;" I remarked, "surely the man cannot go and do so after what has taken place, nor do I think that any gentleman—if I am allowed to say so—could go and say so after such a refusal;" I believe these were my words—"That I did not think any gentleman could go and do so after such a refusal;" Captain Henry said the same, or coincided with me, that the thing had been brought to a stand or a dead lock for the time being. Did Captain Henry, at the interview between you, him, and me, in the month of October, 1860, or at any other time, before or since, tell you that I had refused to meet Colonel Dickson, unless he would "stake" or "lodge" the price of my commission, or any words to the latter purport or effect? No; I have no recollection of his having said so. Had you any other conversation

with Captain Henry in the course of the same month of October, 1860, in reference to the affair between Colonel Dickson and me?—Not that I am aware of.

EIGHTH DAY—FRIDAY, FEBRUARY 21st.

THE Court re-assembled at eleven o'clock.

Colonel Brownrigg, at the sitting of the Court, said—I beg to refer you to some observations that you made at the commencement of this trial. You made some remarks with reference to the press—relative to the admission of the papers, and you laid down certain rules, and gave expression to certain opinions on that occasion. President—I laid down no rules. I made a statement. Are you quite sure that you know what the statement was? Colonel Brownrigg—But it is in reference to remarks by the press. President—I don't know that the Court requires you to make any remarks about what the Court has done or has not done. Colonel Brownrigg—But it is in reference to the press that I am speaking—in reference to a letter which appeared in one of the papers in reference to this case. I wish the Court, if it be not irregular, to ask the prisoner whether a letter written by his solicitors was written with his sanction? President—If Captain Robertson likes to write a letter, I think he is at perfect liberty to do so. I will take the sense of the Court on it if you wish: but my opinion is, that if he likes to write a letter to a newspaper, he is at perfect liberty to do so, and the Court has no right to put a question to him on the subject. I have seen no remarks in the Dublin newspapers upon the subject, that I am aware of. A member of the Court said he had seen remarks in one morning paper. President—Nothing disrespectful to the Court has appeared, that I am aware of, and therefore I don't think the Court can take any notice of it. Neither has there anything appeared disrespectful to the prosecutor. If any remarks disrespectful to the Court, or anything of that kind, are officially brought to my notice, then it will be for the Court to take notice of it; but any letter the prisoner thinks proper to address to a newspaper is not a remark on the Court, and I don't think we have a right to ask him any questions on the subject.

Colonel William Clarke was then re-called.

The Judge Advocate read over the witness's evidence of the previous day.

President—I wish to put this question to you, Colonel Clarke—Did you consider that Captain Robertson applied to you for your views how to act with regard to the matter of the 17th of October, 1860?—I did not. Had you any communication with Captain Durant?—Not a word, that I am aware of, although I saw him. But you had no conversation with him on the subject?—No.

Sir George Wetherall, C.B., commanding the Northern and Western districts of England, sworn, and examined by the Prisoner—Were you, in the month of June, 1861, in command of the Northern and Western districts of England?—Yes. Were the 4th Dragoon Guards at that time stationed at Birmingham, within your district?—Yes. Did you, in the month of June, 1861, receive the communication now handed to you from Colonel Bentinck, relating to the occurrence that took place on the 17th of October, 1860, between Colonel Dickson and me, in the Army and Navy Club?—Yes; I received that communication on the 1st of June. I think, to the best of my recollection, the letter received, was dated 31st of May, I find a letter from Colonel Bentinck, dated 31st May—this is dated 1st June. President—Have you a copy of this document?—No; I sent it to the Horse Guards. I received a letter from Colonel Bentinck, dated 31st May, but, according to my recollection, it is identical with that. By the Prisoner—Can you tell what were the documents referred to in that communication, and which are therein stated to have been sent with it? President—In this letter the three documents referred to are one from Captain Robertson, marked "A," one from Captain Henry, marked "B," and one from Colonel Dickson, marked "C;" but in this letter there are six enclosures returned by your Assistant-Adjutant-General. Now the question is, what were the three documents referred to in that letter?—Witness—To the best of my recollection they were one from Captain Robertson, one from Captain Henry, and one from Colonel Dickson. I have no recollection of any others. Court—Do you recollect those three documents? Oh, yes, I recollect those three perfectly; there was a letter from Colonel Bentinck; there was a statement from Captain Robertson, a statement from Captain Henry, and a statement from Colonel Dickson. President—How do you account for the six documents returned by the Assistant Adjutant-General?—I don't know at all; I don't say they were not sent; but I

have no recollection of them; they were all sent back to Colonel Bentinck. By the Prisoner—Is this document I now hand you the official reply sent by you to Colonel Bentinck in answer to his communication?—Yes. By the President—There is an alteration of a figure in this enclosure; can you state whether that was done before it was sent?—I cannot tell that. Have you in the office a record of what the enclosures were?—There is. By the Prosecutor—Did you order the Court of Inquiry asked for in Colonel Bentinck's letter of the 1st of June last?—No, I did not, for the reasons assigned in my letter to Colonel Bentinck. Did you consider that, in declining to order the Court of Inquiry, you in any way condoned the offences with which the prisoner was charged in Colonel Bentinck's letter?—Certainly; I did not consider the offences with which he was charged condoned, for they had never been submitted to me for my decision. Colonel Bentinck made a specific request that I would order a Court of Inquiry, to which point I confined my answer. Colonel Brownrigg—I have no further questions to ask Sir George Wetherall.

By the Prisoner, with permission of the Court—After you refused to grant the Court of Inquiry, would it have been the official course for Colonel Bentinck to have then asked for a Court-martial for me, if he considered it a proper case for one?—I assumed he would have done so. I do consider that that would have been the proper course. The prosecutor handed a question to the President. The President having read it, said he did not think the Court had anything to do with military honour; a treatise might be written on the subject. By the Court—Did you consider the conduct of Captain Robertson, as represented by Colonel Bentinck, such as to justify his being placed under arrest, in order to bring him to a Court-martial? I certainly did; I considered it Colonel Bentinck's duty to do so. You say in your letter—"If, however, you should deem it expedient to prefer charges against Captain Robertson, I will forward them to the Commander-in-Chief?"—I assumed he would do so. Colonel Bentinck reported that he would not prefer charges against him?—Quite so; and then the whole matter ceased. Do you know if the case was ever submitted to the Horse Guards about the month of May or June?—Colonel Bentinck's letter, which contained the pith of the charges, was submitted by me to the Horse Guards for the information of the Commander-in-Chief, reporting what I had done on the occasion; I sent it to the Adjutant-General at the Horse Guards, on the 7th of June; the enclosures in Colonel Bentinck's letter were returned to him. Can you produce copies of the letters or communications you have stated you received from the Adjutant-General on the subject?—The only communication I have on the subject is a copy of my letter to the Adjutant-General. Have you any copy of his reply?—A copy of the Adjutant-General's reply is dated the 10th of June; it is in Colonel Bentinck's handwriting. A copy of the Adjutant-General's letter, by my directions, was sent to Colonel Bentinck.

The Judge-Advocate then read the letter of the witness to the following effect:—

"Manchester, 7th June, 1861.

"SIR—Colonel Bentinck, commanding the 4th Dragoon Guards, having submitted the enclosed to me, and requested that a Court of Inquiry might be granted on the subject, I have informed that officer that there is no power to grant such a court as that called for. The documents were returned to Colonel Bentinck, in order that he might prefer charges against Captain Robertson; but he has reported to me that he does not feel justified in preferring charges, unless the matter had been investigated by a Court of Inquiry."

The reply of the Adjutant-General was to the following effect:—

"Horse Guards, 10th June, 1861.

"SIR—In reference to your letter of the 7th instant, and its enclosure from Colonel Bentinck, commanding the 4th Dragoon Guards, in reference to Captain Robertson, I have the honour to inform you that his Royal Highness the General Commanding-in-Chief cannot take action without further information.—I have the honour to be, &c.,

(Signed)

"J. YORKE SCARLETT."

By the Court—Did you receive a letter written by the prisoner in June, 1861, addressed to your Assistant-Adjutant-General, complaining of the manner in which he had been treated by Colonel Bentinck?—No; I have no recollection of receiving such a letter. The prisoner has stated that he wrote a letter to the Assistant-Adjutant-General, dated 7th September, 1861; have you any recollection of receiving that letter?—No. Captain Robertson—My first letter was written on the 4th September, and my second was written on the 7th September. A member of the Court said it had been stated that it was replied to by Colonel Bentinck refusing to forward it. Captain Robertson—It was only replied to by Colonel Bentinck. President—The prisoner has stated that he wrote to the Assistant Adjutant-General on

the 4th September, 1861; can you produce the original or a copy of it?—I don't think I ever heard of such a letter. If it came to me it would have been answered. President—The prisoner in his defence states—"In consequence of this treatment I wrote a letter upon the subject, through Colonel Bentinck, to the Adjutant-General at Manchester, for the purpose of having the matter laid before Sir Geo. Wetherall." Do you remember ever having received, through Colonel Bentinck, this or any other complaint made by Captain Robertson of any undue severity exercised towards him by Colonel Bentinck?—I do not. Did Captain Robertson never press upon you, as the highest military authority in the district, to give him an opportunity of vindicating his character?—Never. I never heard of Captain Robertson's case except through the letter before alluded to from Colonel Bentinck. By the Prisoner—Can you produce copies of documents or correspondence in reference to the charges preferred against me?—The only other documents on the subject are those two, which I beg to hand to the Court. The first was a letter from Colonel Bentinck, to the following effect:—

"Sir—With reference to your letter of the 2nd instant, I beg leave to acquaint you, for the information of the General Commanding, that I do not consider myself justified in preferring charges against Captain Robertson unless the matter had been investigated by a Court of Inquiry."

The next was a letter from the Assistant-Adjutant-General, dated 13th June, 1861, to the following effect:—

"Sir—I am directed by the Lieutenant-General Commanding, that having submitted the case of Captain Robertson to his Royal Highness the General Commanding-in-Chief, to inform you that his Royal Highness can give no opinion without further explanation."

Major Thomas Jones, 4th Dragoon Guards, sworn, and examined by the Prisoner: Did you, on the 4th July, 1861, write to me by direction of Colonel Bentinck the letter now produced?—Yes, that is my letter. (Original letter of Major Jones, dated Birmingham, 4th July, 1861, handed in for the purpose of correcting an error in the date of the copy handed in on a previous day, and dated 2nd July, 1861.) Were Colonel Bentinck's directions to you as to writing that letter delivered to you verbally or in writing?—I took instructions from a private letter from Colonel Bentinck to Lieutenant and Adjutant Harran, that such a letter as I have now identified should be written to Captain Robertson; I was about to leave the orderly room at the time, and I suggested to Lieutenant and Adjutant Harran that he would make a draft of such a letter as he thought proper; what was in the private communication was—Colonel Bentinck would require me to send to Captain Robertson, saying that I would come back, make a copy of it in my own handwriting, and give it to Captain Robertson. Have you got a letter from Colonel Bentinck to this, and if so produce it?—No, I have not got the letter, Lieutenant and Adjutant Harran read me an extract from the letter, on which I acted. Have you any letter, or draft letter in Colonel Bentinck's handwriting to Adjutant Harran relating to me, if so, produce it?—I produce a draft letter of Colonel Bentinck's, from which I wrote a letter to Captain Robertson. President—Is that the same letter you handed in before?—No, sir; it is another letter. The letter was written about the end of May or beginning of June, and was to the following effect:—

"Sir—I am directed by the Commanding Officer to request that you will forward to me, by the 21st instant, a full and detailed statement of the circumstance that took place in the month of October, at the Army and Navy Club, of the insult that was offered to you by Colonel Dickson, in the presence of Captain Durant, and who used the expression towards you that, 'when I have settled with you legally, I will settle with you personally, by going down to Birmingham and horsewhipping you in front of your regiment, for your blackguard conduct,' or words to that effect. And you will also acquaint me, for the Commanding Officer's information, what steps you have taken towards vindicating yourself for the insult that has been so publicly offered, as an officer and a gentleman, by Colonel Dickson."

Captain Robertson—I was under a misapprehension about that letter altogether; I did not know what it was; I thought it was a rough draft of the letter of the 4th of July. (The letter was found to be a rough draft of a letter already before the Court, as Appendix 16 being the draft of a letter written on the 15th of May, 1861.) By the Prisoner—Do you recollect me asking you for a short leave of absence in or about the month of June, 1861, whilst Colonel Bentinck was absent from the regiment?—I remember his coming to my room and asking for leave of absence. Did you then tell me that Colonel Bentinck had left a direction that I was not to be given any leave of absence?—I did. Did you then show me a written memorandum given to you by Colonel Bentinck, directing you not to give me any leave of

absence?—I showed him a slip of note paper which was written in Colonel Bentinck's handwriting—"No leave of absence to be granted to Captain Robertson; there was neither date nor anything else on it; as well as I can now recollect the words were, "No leave of absence to be granted to Captain Robertson;" I am speaking from recollection; that was the memorandum on which I acted; I showed it to Captain Robertson. Did you, when the 4th Dragoon Guards were on march from Birmingham, on or about the 5th of November, 1861, *en route* for Ireland, withdraw the subaltern from my troop?—I did, sir. Was it by the direction of Colonel Bentinck that you so withdrew the subaltern from my troop?—By the direction of Colonel Bentinck, delivered to me through the adjutant before my leaving the barrack gate. Was I then left to all the duties of the troop myself on the march from Birmingham to Ireland? Yes. Did you, on or about the 7th September, 1861, write an official letter to Colonel Bentinck, complaining of the withdrawal of the subaltern on the line of march?—Yes. Have you got that letter, if so, produce it?—I have not got it; I forwarded it to Colonel Bentinck. Is this a copy of my letter of the 7th September, 1861?—Yes, I think it is. (The letter will be found at page 37.) Captain Robertson stated that he forwarded the foregoing letter to Major Jones, with a short note at foot, requesting him to forward it. (For letters, see page 37.) Is the document now produced to you in the handwriting of Adjutant Harran?—Yes. (Letter will be found at page 38, dated Sept 10.) Did you in the month, or about the month of July, or August, 1861, see or hear of in the regiment, any document, purporting to be signed by some of my brother officers, reflecting on my character?—I heard of it, but never had the document in my possession; I never saw it. Do you recollect me asking you, in the presence of Adjutant Harran, on or about the month of July or August, 1861, for a copy of that document?—I remember Captain Robertson coming to the orderly room, and demanding of me, I being then commanding officer, a document which he supposed was in my possession, saying that the purport of the document, he believed, was a memorial signed by the officers, requesting that he should be removed from the regiment, or words to that effect; I told him I knew nothing whatever of the document in question, nor had I it ever in my possession; Captain Robertson kept pressing the question upon me; I repeated that I knew nothing at all about it; but told him that, possibly, Lieutenant and Adjutant Harran, who was then in the office, might be able to give him the information he required; he then addressed Adjutant Harran, and asked him for a copy of the document; Adjutant Harran said he had not got one by him, and if he had he should not furnish him with one, as the document was personal and the property of the officers; Captain Robertson left the room, saying he would bring the subject under the notice of the military authorities. Do you know that I was ordered, in or about the month of July, to attend morning and evening stables?—Yes. Were those orders given by Colonel Bentinck?—I believe they were given directly to Captain Robertson, but they were not given to me. Do you know how long I performed this duty of morning and evening stables?—I fancy about three weeks; perhaps between three weeks and a month—I am not very certain. Had you any reason to find fault with the internal management or condition of the troop under my command?—In the beginning of the year, 1861, sir, I found the horses apparently not very well groomed; I spoke to Captain Robertson on the subject, and told him I should expect to see an improvement shortly. He alleged, as an excuse, that during his absence on leave his sergeant-major had been a great invalid. He also mentioned to me that a great number of the soldiers belonging to his troop were recruits and attached men. He said something also, at the same time, to the effect that the troop was a little short-handed. I told him that now, as he had returned, he must give to the affairs of his troop his undivided attention, and overcome those trifling difficulties that he spoke to me about. After this I began to observe a gradual improvement, and about summer time, I believe, the troop to have been in as good a state, as far as grooming and general economy as any other regiment. Did my troop continue in the good condition you have spoken of up to, and at the time that you knew I was attending morning and evening stables?—I believe, sir, at the time that Captain Robertson was required to attend morning and evening stables, there was nothing to find fault with in the management of his troop. When the regiment was quartered in Birmingham, in or about June or July, 1861, did you see me on any occasion exercising in the riding-school, with a back-board on?—Yes. State what occurred between you and me on that occasion?—Captain Robertson spoke to me after he came out of the riding-school on one occasion; he told me that he was quite sure that if

Colonel Bentinck had known the agony he had been suffering in the riding-school, he would never have ordered him to put a back-board on. He told me that for days before he had been suffering from rheumatism in the back and shoulders. I asked him why he did not go to the medical officer, and get excused from the riding drill, if that were the case? and he said he would never do so as long as he could avoid it, as he did not wish it to appear that he was finching from any duty or drill ordered by the colonel. Did you, on the 30th September, 1861, receive an order direct, that I should come up to Dublin on the following day?—I did. Have you got that order, and if so, produce it?—I produce the order, sir. It is as follows :—

“Dublin, September 30, 1861.

“Memorandum.—Immediate.—Major Jones will be pleased to cause Captain Robertson immediately to be examined by Surgeon Cooper, and obtain a certificate from him that it will not endanger Captain Robertson's life to travel to Dublin to-morrow. Should Surgeon Cooper give such a certificate, Captain Robertson will be required to attend at the Deputy-Adjutant-General's office, to-morrow, at the Royal Hospital.

(Signed)

“EDWARD HARRAN.”

In whose handwriting is that order?—In the adjutant's handwriting. Did you, in pursuance of that order, direct me to attend in Dublin on the following day?—Yes. Did you see me on the evening of the 1st of October, 1861, after my return from Dublin?—I did. State what passed between you and me on that occasion?—I was passing his window, and the lights were in the room. I saw him behave in rather a strange manner. I passed on and dropped a letter in the letter-box, and on my return I also saw him suffering evidently either in mind or body. He had apparently just arrived from Dublin. His door was open. I went to the door and said, “Hilloo, Robertson, what is the matter with you—are you ill after your return from Dublin?” He said, “Step in, Major, and I will tell you about something very bad that happened. He said that at last he was obliged to leave the service, that he could stand it no longer. I said, “What has happened?” He said when he was up in the Adjutant-General's-office that morning he was obliged to sign his papers, and asked me was it not a hard case, after having served so long in the regiment, to be obliged to go as he had been? I asked him why did he send in his papers, that nobody could compel him to do so if he did not please? He said that Colonel Bentinck only gave him five minutes to make up his mind, and that if he did not sign the papers that were there for him, Colonel Bentinck would send him down to New-bridge under arrest, and have him tried by Court-martial for something that took place some years ago between himself and Lieutenant Rintoul, and between himself and Captain Webb, and that to escape the everlasting persecution that he had been such a long time subjected to he would not only have sent in his papers, but that he could almost have drowned himself. He was sitting down at this time, and he suddenly jumped up and said, “I have just been thinking that I will write direct by this night's post to the Duke of Cambridge, as it only occurred to me, after I left the Adjutant-General's-office, what a fool I was to be frightened by the threat of being tried for what took place so long ago between Mr. Rintoul and myself, and between Captain Webb and myself.” I told him not to be too precipitate in what he did about writing to the Duke, as he would almost be certain to be tried by a Court-martial for not forwarding his letter through the proper channels. He said he was determined, for the future, to send all letters, regardless of consequences, direct to the Duke of Cambridge; that the letters which he addressed to Sir George Wetherall had been suppressed, or words to that effect. He also said that he rather would have a Court-martial, as no court could convict him when they heard the whole story, and even if they did, he thought the Duke of Cambridge would never confirm it. A knock came to the door, and I left the room. He said, as I was leaving the room, that he trusted to my honour not to say anything of the conversation that would do him any injury. When Colonel Bentinck gave you directions, as stated in the early part of your evidence, that I was not to get leave of absence, did any conversation pass between you and him?—Colonel Bentinck told me in the morning, during the stable hour, between his own stables and the corner of the officers' building, in Birmingham, that Captain Robertson was not to have any leave during his absence. I asked Colonel Bentinck did he intend that order to remain in force if he were going to be away for any time? What did Colonel Bentinck say? Witness—Am I obliged to answer that question? The Court decided that the witness might answer the question. Witness—Colonel Bentinck said he was not to have leave while he was in the regiment. President—Did anything else pass? Witness—He said he hoped he would not be long in it. Did anything else pass?—

He made some remarks, but I don't think it fair to state them. President—If you have no evidence to give, the Court does not wish to receive it; you are the best judge of that. Captain Robertson, can you put a question to elicit any further evidence? Captain Robertson then put the following question:—Have you stated the entire of the conversation which then took place between you and him in reference to my name?—Well, I have stated all that took place about the direct order that Captain Robertson should not have leave. Did Colonel Bentinck then make any further observations in reference to me, and, if so, state them? Witness—Am I bound to answer this question? President—It rests with you to give any answer you think proper. Captain Robertson—I respectfully ask the Court that Major Jones should answer the question. The court was then cleared, and on its reopening.

The President said—Captain Robertson, the Court now has under consideration the request of the witness, and also your request that he should be compelled to answer the question, and they have come to the decision that if Major Jones, who has already fairly given us the whole conversation that has passed—if he consider the subsequent conversation a privileged communication, such as must pass between himself and the commanding officer, he need not give it. It is essentially necessary for the good of the service, as every officer knows, that the colonel of a regiment and his major should discuss matters as to the officers under their command; and if Major Jones thinks it is a privileged communication he need not answer, unless he thinks proper to do so. The Court will receive the evidence if he likes to give it, but they will not compel him.

Captain Robertson said he quite agreed with the Court; if it were a privileged communication he should not wish to press it. Question repeated. Witness—He said something in a joking way about him; but, as it does not bear on the subject, I would rather not say anything about it. Captain Robertson—Major Jones has not stated whether he regards it as a privileged communication or not; if he do not, I would respectfully press the question. President—A jocular observation will prove nothing one way or the other. We will give you free liberty to go back on facts to prove intimidation; but a jocular remark, one way or the other, I do not think could have the weight of evidence. Captain Robertson—The reason I pressed the question was, that I thought there might have been good reason to think that it might display an animus towards me. President—Major Jones, you apparently objected to give the conversation that passed between you and your commanding officer, and the Court considered that it might be one of those conversations that might take place between the commanding officer and his major about the officers under their command; and they therefore decided that if it were a conversation of that kind you need not answer. Major Jones said the remarks had nothing to do with the subject at all, and if the prisoner did not press him very closely for an answer, he would rather not answer it. Captain Robertson said he was aware that there were many things that passed between two field officers of a regiment that ought not to be mentioned, and if the remark did not bear on the case, he did not wish to press it. The question was accordingly not pressed. By the Prisoner—How long have you been in the 4th Dragoon Guards?—Since September, 1846. How long have you known me as an officer in the regiment?—Since the date of joining—since the month of September, 1846. Until Colonel Bentinck became colonel of the regiment was I on good terms with my brother-officers?—I think so; always, with the exception of once or twice, when some trifling circumstance occurred at Aldershot in 1858, between him and two of the officers I have already named. Did Colonel Bentinck at any time say to you that I should be driven from the regiment, or words to that effect?—I think he did, at Birmingham, once say something to that effect. Was it in or about the month of June or July, 1861, that Colonel Bentinck told you I should be driven from the regiment?—I think it was, as well as I can remember.

NINTH DAY—SATURDAY, FEBRUARY 22ND.

Colonel Brownrigg, C.B., the prosecutor, at the sitting of the Court, said he wished to remark, in reference to the comments made by the prisoner in his defence, in reference to the absence of Captain Durant, that that gentleman was now in Dublin.

Major Jones was recalled, and examined on his former oath by the prisoner.

You are acquainted with the handwriting of Mr. Hubert De Cateret, the secre-

tary of the Junior United Service Club?—Yes. Look at the documents now produced, and say if you believe them to be in his handwriting?—Yes, they are.

Major Jones cross-examined by the Prosecutor—Can you explain the discrepancy between the date of the letter of the 4th July, and the date of the copy of the same letter, which is the 2nd of July?—No, sir; I can give no further explanation of it than that it must be a clerical error. Had Lieutenant and Adjutant Harran a draft of the letter of the 4th of July, 1861, when you were with him?—I don't think he had, sir; I think he made it out after he had read the extract to me from Colonel Bentinck's private letter, but I cannot speak positively. Did you take that draft letter with you from the orderly room?—I think not, sir; I think I wrote the letter in the office; as well as I can remember, it was in the office I wrote it, but I am not very certain on this point. Was the letter to the prisoner of the 4th of July, written in strict accordance with the instructions contained in Colonel Bentinck's private letter written to Adjutant Harran?—I assume so, sir; I assume it to have been according to his wishes, because I copied the draft prepared by Adjutant Harran. Did you see the private letter alluded to?—I saw it in Mr. Harran's hand, and he showed me a portion of it which contained the extract to which I have alluded. President—You did not see the main portion of the letter?—No, sir, I did not; I might have seen a few lines. President—But there was no opportunity of reading it?—There was no opportunity. Captain Robertson—May I be permitted to state that Adjutant Harran has been served with notice to produce that letter. President—He is one of your witnesses, I think, Captain Robertson?—Yes, sir.

Cross-examination continued—Had you any conversation with the Adjutant in reference to that letter which you have not yet mentioned to the Court?—Yes, I told him that he was to carry out the colonel's instructions, and write such a letter as he believed would be required under the circumstances; to write a strong letter to Captain Robertson, such as Colonel Bentinck would be likely to be approved of. Was that all the conversation you had at that time with regard to this subject?—There might have been more, but I cannot call to mind now anything else that passed on the same subject. Did you tell the Adjutant that no half measures would do with the prisoner; that he was insensible to shame; that you had frequently remonstrated with him, and that nothing except driving a fork into him would make him feel?—I think it is very probable I did say so, because I was very angry with the prisoner myself, when the circumstances first came to my knowledge. Were Colonel Bentinck's directions to you not to give the prisoner leave at all, not to give it to him without a reference to him?—Colonel Bentinck told me on one occasion, that when officers required long leave I was to refer the point to him when he was away, but that I might grant short leave, for a day or two, on my own responsibility. Has the commanding officer of a regiment a right, should he think fit, to leave the directions that the officers are not to have leave in the commanding officer's absence?—The Court decided that the question was one of regulation, and it was therefore withdrawn.

Cross-examination continued—Was the subaltern attached to Captain Robertson's troop whom you ordered to withdraw on the line of march a young and inexperienced officer?—I think he was about nine months in the regiment, as well as I can remember. What is the name of the officer?—Cornet Tait. Was he, together with two other young subalterns, put specially under your care to be instructed in regimental duties on their first march from Birmingham?—I am not prepared to say that they were put specially under my care; they were put with the detachment under my care, and I assumed I might give them instructions like any other officer; the whole party was under my care, officers and all. President—Then, are the Court to understand that they were not specially under your care?—Yes. By the Prosecutor—Had the officers of the regiment at that time refused to associate with Capt. Robertson?—I am not prepared to say that they actually refused to associate with him, but they manifested a decided disinclination to do so. The President, on the next question having been handed to him, said it was objectionable. Colonel Brownrigg submitted another, which the President said was quite as objectionable. The Prosecutor then put the following question: You have stated that the officers of the regiment evinced a disinclination to associate with Captain Robertson; do you know the reason of this?—I assume it was in consequence of the transaction with Colonel Dickson. Colonel Brownrigg—In putting the next question, I wish to state that my reason for pressing that question is, that it has been stated that Colonel Bentinck did certain acts of harshness, and I wish to show they were justi-

flable, on account of the immoral character of the prisoner. President—The Court will certainly not allow the prosecutor to enter into matters connected with the private life of any officer; anything connected with military conduct is a fair cause of inquiry. The Prosecutor pressed the question, and the court was cleared. In about half an hour it was declared to be open, and the President said—Colonel Brownrigg, the Court have had under consideration your request that the question should be put, and they have decided that it is not to be put to the witness with the word “immorality” in it. Colonel Brownrigg—Let me see how it will read without that? The prosecutor having read the question, said I withdraw it. President—It is not to be withdrawn; the Court refuses to allow it to be put. Prosecutor—Will it afterwards be recorded? President—Yes. The question which the prosecutor now wishes to put is—“Do you know whether any discreditable conduct on the part of the prisoner, in Birmingham, was one of the reasons why the officers manifested a disinclination to associate with him?” The question that the Court refused to allow to be put is—“Whether the immorality of Captain Robertson at Birmingham was one of the reasons why the officers manifested a disinclination to associate with him?” and the next question is—“Do you know whether any discreditable conduct, on the part of Captain Robertson, in Birmingham, was one of the reasons why the officers manifested a disinclination to associate with him?” Witness—No; I am not prepared to say that I know that; I have heard a good deal of joking amongst the officers about what he did when he went down town in the afternoon; but I can hardly imagine that that was the reason why they manifested a disinclination to associate with him. President—Are you prepared to say whether you do or do not know? Witness—I do not know of my own knowledge. President—Do you know whether any discreditable conduct on the part of the prisoner, in Birmingham, was one of the reasons why the officers manifested a disinclination to associate with him? Witness—I cannot tax my memory now, sir, with anything that he has done discreditable. Do you know that it was owing to any discreditable conduct that the officers refused to associate with him? Witness—No, sir; I attribute it more to the affair with Colonel Dickson. I have heard them joking a good deal about what he did when he went down town, but I can hardly think that was the reason. President—The Court wishes to put this question—Were there any other reasons besides Colonel Dickson’s affair why the officers did not wish to associate with Captain Robertson? Witness—There were some private reasons connected with a relative of his, regarding which he would rather decline answering. The President, on reading the next question put in by the prosecutor, said—Jokes in a regiment are nothing. If we are to go into all the jokes that were passed during the year I don’t know where we are to end. It is no evidence. Prosecutor—I only want to know what the prisoner’s conduct was. President—You want to know what the jokes were about the prisoner going down town, and when you have got them they are no use. If you have any question to put to upset the evidence which Captain Robertson has brought forward it is all very well.

Cross-examination continued—Were there no other reasons?—Not that I am aware of. Did you yourself express to him your disapprobation of his conduct at Birmingham?—I think I did, sir, once or twice make some remarks to the effect that he should be a little more circumspect when he went down town; I remember making a remark to Captain Robertson on one occasion that I thought he ought to be a little more circumspect when he went down town, as I had heard the officers lately joking a good deal about what they supposed he was doing—some private transactions. To whom did you then allude?—I alluded to his having been seen on some occasion either talking to or walking with a female after dusk. President—Colonel Brownrigg, the prisoner will have perfect liberty to bring evidence to disprove any statement made. You are aware of that? Colonel Brownrigg—Yes, I am aware of that. Cross-examination continued—Did you hear of his doing so in open day?—I heard of his doing so in the afternoon, but I cannot say that it was actually in open day. I have no distinct recollection of having heard the word “open day” used; whether it was daylight or not at the time I cannot say. Was the mere fact of his having been seen talking to a female a sufficient reason for you to take notice of his conduct?—No, sir, I would not have noticed it but that I heard the officers laughing and joking about it, and I thought I would put him on his guard. You said that the prisoner was on good terms with the officers of the regiment until Colonel Bentinck joined, except some circumstances at Aldershot, with two officers. What were the circumstances to which you referred?—An altercation that took place between him and Mr. Rintoul, in the year 1858, when we first went to Aldershot. A good deal of discussion followed with

regard to the next question handed in by the prosecutor. The President said the Court did not think it necessary to put it, and the prosecutor said he was in order in doing so. The President observed that, to try Captain Robertson for what occurred in 1858, was beyond the province of the Court. The Prosecutor pressed the question, and the court was cleared for about twenty minutes. On the admission of strangers, the President said—The Court have decided that as this question has been brought out by the prisoner's witness, and as you have pressed it, they will allow it to be put; but they hope that you will use the permission with discretion, in order not unnecessarily to delay the proceedings of the Court; and the Court also think that, if those questions were settled at the time, they ought not to be raked up again.

Cross-examination resumed—You say that the prisoner was on good terms with the officers of the regiment until Colonel Bentinck joined, except two circumstances at Aldershot; what were the circumstances?—I was not present on the occasion of either of the altercations, but I have heard the officers, however, say, as well as I can now remember, that the quarrel with Mr. Rintoul was in allusion so some circumstance that I am quite unacquainted with, which took place in the 12th Lancers. The cause of the quarrel between Captain Webb and Captain Robertson, as well as I can now remember at this period of time, was about something that happened at the Queen's Hotel, at Aldershot, between Captain Robertson and some person or persons in the Hussars, of the particulars of which I know nothing. President—I do not believe a word of that is evidence, but still the Court is anxious to give every latitude on both sides. The Prosecutor then handed in the next question. President—I want you to put a date to this; it extends over a period of sixteen years. The Prosecutor again handed in the question. President—This question is quite inadmissible. The witness has already told us that he was not present when these altercations occurred; has stated that he heard the officers say there were altercations, and you now want to know what he heard; hearsay evidence is no evidence at all. Colonel Brownrigg—He has heard of the matter, and I want to ask him what it is. The evidence of the witness having been read over, the President said—Now, as the witness has told us he knows nothing about the quarrel, you want to know what expressions he heard that Lieutenant Rintoul used towards the prisoner. Question withdrawn.

Cross-examination continued—When did the affair of the 17th of October, 1860, between Colonel Dickson and the prisoner first come to your knowledge?—Some time about April or March, I think it was about the latter end of March; I said April at one time, but I believe now that it was March. What steps did you take in the matter?—I spoke to Captain Robertson, and inquired what he was going to do, after having heard the officers allude to some circumstances that occurred in London; as I thought the circumstance at first was some story got up by the officers about Captain Robertson without any great foundation, I paid little attention to the reports; there was a Court-martial about this time held, I think in Coventry, and some of the officers after having returned spoke of what they had heard Captain Gunter say with regard to the circumstance that took place between Colonel Dickson and Captain Robertson. President—Are you speaking of what you heard at the time? Witness—I am speaking of what I heard the officers say, and what drew my attention to the affair at the time, as it would appear that Colonel Dickson had told Captain Gunter. President—The question was, what steps you took; I think all you have said is irregular. Witness—I spoke to Captain Robertson seriously on the subject, when the circumstances came to my knowledge; I asked him what he was going to do under the circumstances. Captain Robertson told me that the occurrence alluded to was a highly-coloured version of the facts, and that Colonel Dickson had been slandering and calumniating him. I said that it was his duty, under the circumstances, to refute or explain publicly what Colonel Dickson had been saying of him; that if the statements were not true, he should say so in a notice which he ought to send up to the Army and Navy Club, and also the Junior United Service Club; and as other persons who might not be members of those clubs, who probably heard the story from Colonel Dickson, or otherwise, I urged him strongly to write a strong and explanatory letter to the editors of two or three of the principal London papers, signing his name, of course. Captain Robertson objected to this mode of proceeding, as he feared, by so doing, that private and family matters, in connection with Colonel Dickson's trusteeship, might obtain a disagreeable notoriety, or some such word. I then urged him very strongly to lay the whole of the circumstances before Colonel Bentinck, who was expected to return from leave shortly, and the other officers of the regi-

ment, saying that the disagreeable remarks that I had heard the officers make would to a certain extent, be set aside by his doing exactly what Colonel Bentinck and the officers recommended. This he also declined to do, urging the same reasons as he had before given me, for not making family matters the subject of regimental arbitration. A day or two elapsed, when I again spoke to him on the subject, saying, that as things could not remain in the present state I would send a letter to Colonel Bentinck, reporting the whole circumstance as it came to my knowledge. He begged me to postpone doing that as long as I could, as he promised doing something towards vindicating his character. I told him that I had no wish whatever to do anything that was harsh, and that I hoped, on Colonel Bentinck's return, that I should be able to give him a more favourable report than I could at that time by writing; and that, as he had expressed a wish to be present to explain away matters when I made the report to Colonel Bentinck, I would not send a letter, so as to give him ample time to do what was necessary to obtain redress for the insult he had received in the Army and Navy Club. I believe, about this time, he consulted with Captain Henry. President—The question is, what steps you took. Witness—These are the steps I took. President—What you heard Captain Henry did I don't see has anything to do with the steps that you yourself took.

Witness—He told me that he would send Captain Henry, in consequence of my indulgence, if I would be kind enough not to force the matter on the notice of Colonel Bentinck, to try and obtain redress from Colonel Dickson; Captain Henry being prevented, by some legal business, Captain Robertson told me that he had made arrangements to send Mr. Owen to Colonel Dickson, and what took place between Mr. Owen and Colonel Dickson I do not know. What made you think that the officers had got up a story about Captain Robertson without foundation?—I thought it was a "chaffy" thing at first, that Captain Robertson had done some foolish, silly thing in London, and that it was not so important as I found it to be. Were you satisfied with Captain Robertson's explanation?—I did not make any inquiries as to what Mr. Owen had been doing, for reasons which I decline to answer. President—The prosecutor wishes to know were you satisfied with Captain Robertson's explanation? Witness—Yes, sir; I was then satisfied at his sending a person to obtain redress, but I was not satisfied with what Captain Robertson told me before. Did you report the circumstance to Colonel Bentinck?—No, sir; I waited daily in expectation of his returning, and also hoping that Captain Robertson would, in the meantime, have done something. How long was it before Colonel Bentinck returned from leave after you heard of the affair between the prisoner and Colonel Dickson?—I think it might be about a month; he got an extension of leave, I remember. How often did you see the prisoner exercising with a back-board in the riding school?—Only once, sir. Did any other officer besides Captain Robertson exercise with a back-board on the occasion you referred to?—I saw Mr. Child also with a back-board. Did you speak to Colonel Bentinck about the prisoner's complaining heavily in the riding school?—No, sir. The President, on reading the next question, took the sense of the Court on it, and said the Court had decided that the question for the prosecution against the defendant, could not be put, or even read in court. Colonel Brownrigg—Will the question be recorded? President—Of course, that must be done.

Cross-examination resumed.—Can you swear that it was not on the 25th of August, 1861, that the prisoner was ordered to attend morning and evening stables? I cannot swear to the date. Will you swear that he continued morning and evening stables for ten days?—I will not swear for ten days; but I will swear that I saw him half a dozen times; it was summer time, and I saw him from my barrack-room window; I was asked by the colonel to look out; I took notice of his attendance, as I know he was ordered to attend. When did the prisoner march from Birmingham?—Some day early in September—the 4th or 5th of September. Did the prisoner put himself on the sick list on the day he wrote the letter complaining of the withdrawal of his subaltern? No, sir; it was the day previous. On what day did the head quarters march from Birmingham?—I do not recollect the date; it was after I left. Did the prisoner tell you, on the occasion of his being sent for to come to the Assistant-Adjutant-General's office in Dublin, that he had to sign papers that were there ready for him? He told me that he had to sign papers that were ready for him. Were you serious in telling the prisoner that he would be tried by Court-martial for not forwarding a letter to the Duke of Cambridge through the proper channels?—My impression was that he would be tried by Court-martial for doing such an unmilitary thing. How long was Colonel Bentinck absent at the time he told you not to grant the prisoner leave of

absence?—Somewhere about three weeks or a month; I remember he went to Ireland. Did the prisoner obtain any leave of absence after Colonel Bentinck told you he should have no more leave?—I gave him leave on two occasions from church parade, and I gave him leave also from riding drill two or three times, he alleging that he was not well. President—The question is as to leave of absence. Witness—No, sir; I gave him no leave. Did the prisoner obtain any leave of absence after the time Colonel Bentinck told you he should have no more leave?—He obtained no leave from me; I only know of the leave I gave him from church parade and riding drill. President—It would be much better if the examination were taken with a view to the facts of the case. Witness—I gave him no leave of absence. Was it about that time you wrote your letter?—It was about that time, sir; Colonel Bentinck was on leave. When Colonel Bentinck made use of the expression at Birmingham that the prisoner should be driven from the regiment, or words to that effect, was it in consequence of discreditable conduct on the part of the prisoner, and scandalous reports concerning him?—I attribute the course adopted by Colonel Bentinck to the circumstance that occurred between him and Colonel Dickson; I cannot speak as to Captain Robertson's private life. President—Are you aware why Colonel Bentinck made use of that expression? Witness—I am not aware, except it was on account of the circumstance that occurred between him and Colonel Dickson. President—You have no means of knowing Colonel Bentinck's reasons?—No, sir. By the Prosecutor—Did you about that time express an opinion that it would be desirable that the prisoner should leave the regiment?—I was very anxious at that time that the prisoner should sell out of the regiment, and I communicated with Mr. Rintoul on the subject. President—Captain Robertson, you have heard the evidence that has been given; have you any objection to any portion of that evidence being received by the Court? Captain Robertson handed up a memorandum to the President. President—Very well; you had better put this in as an answer to the question. The Judge-Advocate then read the memorandum as follows:—"General Gordon, I made no objection to the course of cross-examination pursued by the prosecutor in the early portion of this day, but I do submit it was unjustifiable, as insinuating charges against my character calculated to prove most injurious, and which cannot affect my guilt or innocence as to the charges preferred against me, and which, in my present position, I am deprived of the opportunity of answering."

Major Jones, re-examined by the prisoner, with permission of the Court—Did the disinclination to associate with me, of which you have spoken, extend to all my brother officers, or only to a section of them?—I don't think it was general; but it prevailed to a great extent in the regiment—the majority of them. Was this disinclination manifested after the document of which you have spoken became notorious?—No; I could perceive a disinclination existing before that document; I don't know about the document—before the document I heard of. Was Cornet Tsit, my subaltern, at Birmingham before the regiment began to march from Birmingham to Ireland?—Yes. For how long a period before the regiment marched to Ireland was he my subaltern?—I should think since he joined the regiment he did duty with that troop. Are you aware, or did you hear, that in one or two days after the difference between Lieutenant Rintoul and me there were explanations between us, that we then shook hands and were on friendly terms afterwards?—I believe so; I saw them afterwards on friendly terms. How long had Mr. Childe been in the service when you saw him with a back-board on in the riding school?—I believe about twelve or fourteen months—it must have been eighteen months. Did you ever know of an officer of my standing in the army being ordered to exercise in the riding school with a back-board on?—I have no recollection of having ever seen that. Were Captain Webb and I also on good terms after the dispute you have mentioned?—They were on speaking terms; I don't think there was ever any very great cordiality between them. Do you recollect whether the conversation between you and me in March, 1861, of which you have spoken, took place before the 26th of March, 1861?—It took place, I think, shortly before Mr. Owen went to see Colonel Dickson—it was just immediately before he went to see Colonel Dickson. Did I ask you on two or three occasions for leave of absence in or about the month of July or August, 1861? You asked me once, and I refused; but you did not ask me any more, because you thought it was no use; I remember I gave you leave from church parade, and from riding drill? Were you the commanding officer of the detachment of the 4th Dragoon Guards, at Newbridge, about the 30th of September last?—Yes. Did you on that day receive any telegram or order respecting my being sent up to Dublin on the following day, other than that of which you have already given evidence?—No.

TENTH DAY—MONDAY, FEBRUARY 24TH

Colonel Brownrigg, C.B., at the sitting of the Court, handed in a memorandum. President—I shall be obliged to clear the court on this question. Colonel Brownrigg—I am sorry to be obliged to press it; but it is of importance. President—The Court has hitherto taken no notice whatever of anything that appeared in the public newspapers. They have confined themselves to the proceedings that took place in this court, and have had no regard to any other matter. I should wish to adhere to that course, because if we are to go into the question whether an accurate or inaccurate statement appears in the numerous newspapers publishing these proceedings, there must be a great delay. If the memorandum is in reference to what occurred in this court, that is another question. Colonel Brownrigg—It is in reference to what occurred in this court. I am under the impression that the Court think there was some gentleman of the bar attending on the part of some persons connected with the prosecution. President—What occurred to cause you to think that the Court were of that opinion? Colonel Brownrigg—Because a gentleman of the bar was sitting near me, and you asked him to withdraw.

President—I saw a gentleman taking notes, and was under the impression that he was one of the public reporters, and I did not like to have a reporter for the public newspapers sitting near me and hearing everything I said.

Colonel Brownrigg—I beg to state that I have no one attending for the prosecution. I am the sole prosecutor in this case, and I have no one attending with me only the gentleman who sits opposite me from my own office.

President (in reference to another memorandum)—Do you wish this paper to be read?

Colonel Brownrigg—If the court have no objection.

President—It would come in more properly at the end.

Colonel Brownrigg—In consequence of evidence given by the prisoner on Saturday I do not wish to leave it unnoticed.

President—He is now examining his witnesses, and everything for the prosecution had better be kept till the end of the proceedings, I think.

Colonel Brownrigg—The prisoner handed in a paper.

President—The prisoner did not hand in a paper. He was asked, as a matter of courtesy by the Court, whether he had any objection to the evidence offered by the prosecutor, and he then, in answer to that inquiry, read the paper. I wish to mention, Captain Robertson, that it was an act of courtesy on the part of the Court, to ask whether you had any objection, because your objection to the questions should have been made at the time, and your objection afterwards is not binding on the Court.

Captain Robertson—I am quite aware of that, sir.

The court was then cleared, and on its being re-opened,

The President said, Colonel Brownrigg, the Court have decided that the memorandum you have put in may be read, as the prisoner made use of the expression, when addressing the Court on Saturday afternoon, that the course of cross-examination pursued was unjustifiable—an expression, the impropriety of which escaped the notice of the Court at the time.

The memorandum was then read—"In reference to the paper handed in by the prisoner, at the last sitting of the Court, in which the prisoner asserts that my course of cross-examination on that occasion was most unjustifiable, as insinuating charges against his character which cannot affect his guilt or innocence with regard to the charges preferred against him, and which, in his present position, he is deprived of the opportunity of answering or explaining, I beg to call the attention of the Court to a document, dated the 14th instant, and put in by me on the 20th instant, in which I submitted that the proposal of the prisoner to examine witnesses in reference to the third charge, as to occurrences previous to the 1st of October, 1861, was inadmissible. As, however, the prisoner has examined his witnesses with the view of trying to prove his innocence in relation to the third charge, by proving intimidation against his commanding officer, I submit that I am at liberty to examine witnesses to rebut the statements made by the prisoner of any unfair motives on the part of Colonel Bentinck, and to show that his conduct was justifiable."

Major Jones, 4th Dragoon Guards, recalled. He said—Allow me to correct a statement in my evidence in reference to Colonel Bentinck's absence from Birmingham. I find, on my returning to Newbridge, on Saturday, on reference to notes, that I had made a mistake in my evidence as to Colonel Bentinck not being in

Birmingham the first time I heard of the affair between Colonel Dickson and Captain Robertson, in March, to the second time, in May. Colonel Bentinck, I find, did return, and remained for some days, about the end of March or beginning of April, 1861, and about this time I also found that Mr. Owen had gone on behalf of Captain Robertson to Colonel Dickson, with the view, I believe, of obtaining redress, or an explanation from that gentleman. I wish to explain my reason for not having brought the matter under Colonel Bentinck's notice, which was, that Mr. Owen had at that very time gone to Colonel Dickson. By the Prisoner—Do you know when Colonel Bentinck first joined the 4th Dragoon Guards?—I do—in September, 1859. How long were the 4th Dragoon Guards stationed at Birmingham, in 1861?—From the 1st January to the 5th September, 1861. Were you, during a considerable portion of that time, the commanding officer of the regiment? I was. How long during that period were you in command of the regiment? I suppose, in the aggregate, about five months. President—Have you a copy of the letter you wrote to Colonel Dickson by direction of Colonel Bentinck?—Yes. The witness handed in the letter and two enclosures, which have already been published. President—Have you the memorandum from Colonel Bentinck, directing that Captain Robertson should have no leave of absence?—No. You have stated that you were ordered to withdraw the subaltern from Captain Robertson's troop just as they were leaving the barrack gate, at Birmingham, in the line of march. Had he a subaltern attached to his troop previous to the march?—Yes. Did you consider, as commanding officer on the line of march, that the withdrawal of a subaltern was a beneficial arrangement with regard to the troops under your command?—I should think not. Did you remonstrate against it?—No; I was on a line of march, and I had no opportunity. Were the subalterns equally divided amongst the different troops on the line of march?—No. How many subalterns had you on the line of march, and what was their standing?—Four; one about four years, and the other three about twelve months' standing. You alluded to Captain Gunter, in being connected with the affair between Colonel Dickson and Captain Robertson. Was he present at any interview at which you were present?—Yes; in the orderly-room. State what then occurred?—On the occasion of Colonel Bentinck's returning to Birmingham, in May, I was present in the orderly-room when Colonel Bentinck communicated to us what he had heard in London about the affair between Colonel Dickson and Captain Robertson. Had you ever been asked by any officer in the regiment to sign the document you have alluded to, as being signed by some of the officers of the regiment?—Never. Did Colonel Bentinck speak to you on the subject?—I have no recollection of Colonel Bentinck having any conversation with me on that subject. Do you remember any previous instance of a captain of cavalry exercising with a back-board in the riding-school?—No, I think not. Do you suppose that the quarrels between Mr. Rintoul and Captain Webb and the prisoner had any influence on the officers of the 4th Dragoon Guards, as a body, in reference to their conduct towards Captain Robertson?—I think not; Mr. Rintoul and he were good friends; I do not think it operated in any way. Were the expressions of Colonel Bentinck, about driving the prisoner out of the regiment, before or after the affair with Colonel Dickson had come to his knowledge?—After. Why were you very anxious that the prisoner should leave the regiment?—I foresaw that he would have great difficulty in re-establishing himself in the estimation of the officers; I might also add, from the way things were going on, I foresaw that there was a likelihood of some disturbance in the regiment. Do you consider that at the time Captain Robertson was ordered to exercise in the riding school with a back-board, his style of riding required it?—He was always a little round-shouldered. But do you think it was necessary for his improvement?—I do not think that the use of a back-board was desirable for his improvement. When Captain Robertson told you, after his return from the Adjutant-General's office in Dublin, that if he did not send in his papers, he would be tried by Court-martial for something that had occurred between Mr. Rintoul and him, and between Captain Webb and him, did he mention the affair with Colonel Dickson as the cause of his being obliged to leave the regiment?—He made no direct allusion to it. Did he ever, to your knowledge, ask Colonel Bentinck what steps he ought to take to vindicate his character?—Not to my knowledge. Did Colonel Bentinck give you any reason for ordering Captain Robertson to exercise in the riding school with a back-board?—No. You state that you received the order to withdraw the subaltern from Captain Robertson's troop just as you were leaving the barracks, at Birmingham, and that you had no opportunity to communicate with Colonel Bentinck. Could you not have communicated with him by post?—

I could have done so, but I did not like to interfere with orders given by him. Did the prisoner, during the four months that passed, after the insult from Colonel Dickson, ever refer the matter to Colonel Bentinck or to you?—No. Did the prisoner take any other steps to satisfy you that he acted with proper care for his honour?—He sent circulars to the clubs, and also sent Mr. Owen on two occasions to seek redress. Were you satisfied with Captain Robertson's sending Mr. Owen to Colonel Dickson?—I was satisfied with his sending any person, so long as he took some strong measures to obtain redress. Do you know whether there were any special reasons why Mr. Owen should not be sent?—No. Did the prisoner, to your knowledge, ever report, at half-yearly inspections, that he was not fairly treated by his commanding officer?—Not to my knowledge; the only time I ever heard of his doing so was the last time the General Officer made his inspection. Did the prisoner follow the usual course taken by officers, when ill in the riding school, by asking leave to fall out?—I do not remember distinctly that he asked leave to fall out while the riding was going on, except on one occasion he asked me, as commanding officer, to let him fall out. You have stated that Captain Robertson reported himself on the line of march to Stafford as sick. When he came back, was his subaltern restored to him?—When he came back from sick leave, on the 11th January, I suspended him from military duties, and sent him up to Dublin. Were you satisfied with Mr. Owen being selected to go to Colonel Dickson?—I would have preferred any one else having been selected for the occasion, but as there was nobody else, I was satisfied. Why should you have preferred somebody else to Mr. Owen?—I should have preferred some one of more experience and greater age, and a man, perhaps, more generally known. Had you no other reason?—No. Why do you say, "as there was no one else," you were satisfied with Mr. Owen?—He was about the only friend that Captain Robertson had in Birmingham. Will you state what you mean by the expression "more experience," with regard to Mr. Owen?—From his age he could not have much experience in affairs of honour. Do you know if there was any reason why Colonel Dickson would not receive Mr. Owen?—I am not aware, of my own knowledge; I suppose it was a matter of opinion with Colonel Dickson. Though you did not object to Mr. Owen yourself, were there not reasons why Colonel Dickson should object to him?—I am not aware what reasons Colonel Dickson may have had or assigned. Do you mean to say that none of the officers of the regiment were on sufficiently good terms with Captain Robertson as to act his friend on that occasion?—There might have been; they might possibly endanger their commissions by carrying a hostile message. Was it during the drill season that Colonel Bentinck desired that the prisoner should have no leave of absence?—Yes. Was it on account of it being the drill season that he gave that order?—I assume not, because he did not order me not to grant leave to other officers. Would leave in the drill season depend on the proficiency of the individual?—It would be decidedly objectionable to grant long leave of absence to any officer not sufficiently well drilled. Did any officer get leave for more than a day or two on that occasion?—I gave Captain McDonnell leave on two occasions for four or five days to come over to Dublin. Did you conceive that Captain Robertson was so deficient in his drill that an exception should be made in his case—that he should have no leave of absence?—I never looked on Captain Robertson as a very brilliantly drilled officer in the field, but I do not think his case was so extreme as to require that he should get no leave of absence. Referring to your account of the interview at Newbridge with Captain Robertson, on the 1st of October, did Captain Robertson give you to understand that the affair of Lieutenant Rintoul and Captain Webb were the sole reasons for the alternative of his either retiring from the service or being tried by a Court-martial?—As well as I can understand he brought on those cases to show that if he were not tried in Colonel Dickson's affair he would be tried on the other affairs with Mr. Rintoul and Captain Webb. If you considered Captain Robertson's conduct in 1861 to be so discreditable as to render him unfit for the society of his brother officers, should you have brought it to the notice of Colonel Bentinck?—I should have done so. President—If you had thought so?—I did do it about Colonel Dickson's affair. Question repeated. Witness—I certainly should, as a matter of fact, have brought the conduct of any officer before him. I meant to do so with regard to Colonel Dickson's affair the moment he returned. But did you consider at that time that his conduct was so discreditable that he was unfit to be associating with his brother officers?—With regard to Colonel Dickson's affair I felt that his conduct was exceedingly doubtful; I won't go so far as to say that his conduct was actually discreditable; I did not approve of his conduct; I did not attach any importance to the other matters; I have always been on very good terms with Captain

Robertson. Prosecutor—There is one question I would beg to put if the Court have no objection to it. You stated that when the regiment was quartered in Birmingham, in or about July, you saw the prisoner exercising with a back-board—will you swear it was not on the 3rd of April?—I will not swear to the date at all. By the Prisoner—Did I tell you that I would not ask any brother officer to act as my friend, lest it might prove injurious to him, or words to that effect?—I have no recollection of his having said so; he might have said so in a casual conversation, but I have no recollection of it. Did Colonel Bentinck, at any period since he joined the regiment, direct you not to give me leave of absence until the month of June, 1861?—I think not; I do not remember anything about it. By the Court—To the best of your belief did the back-board affair at Birmingham occur prior to or after the knowledge of Colonel Dickson's affair?—I before stated that I cannot swear to dates; I remember seeing him, and heard Captain Robertson complain of this afterwards, that is all I recollect of the circumstances; I remember the occurrence perfectly well, but I cannot swear to dates. Can you remember whether it occurred after Colonel Bentinck returned from leave in May?—I cannot, indeed, sir; I have no recollection of the date, as I before stated.

Colonel Bentinck called, and examined by the Prisoner on his former oath—Do you remember sending for me in or about the month of June, 1861, and when I came to you in the orderly-room, your ordering me to send in my papers and leave the regiment, or words to that effect?—No. Did you, on any occasion prior to the 1st of October, 1861, order me to send in my papers and leave the regiment?—I never, on any occasion prior to October, 1861, ordered the prisoner to send in his papers and leave the regiment. Did you say anything to me about sending in my papers, and if so, what? Witness—I request that the time may be limited. President—With reference to the former question, the time specified is between May and October, 1861. Witness—I request that the time may be a little more limited. May, June, July, August, September—that is six months. I cannot answer that question. I must have the time more specified. Did you, in the month of May, 1861? Witness—What is the first question; I forget now? President—Endeavour to recollect, not to take up unnecessary time. Did you on any occasion, prior to the 1st of October, 1861, order me to send in my papers and leave the regiment? President—The question is whether you did in May, or not?—I recommended the prisoner, in May, 1861, to send in his resignation. By the prisoner—Did I refuse to do so?—No, he did not. I gave the prisoner leave, in May, 1861, to negotiate an exchange, which he was contemplating prior to the 15th of May, 1861. Did you tell me that I should either resign or exchange, or words to that effect?—I never told the prisoner that he should resign; I hoped he would have been able to effect that exchange. Did you, soon after the conversation just referred to, order me out of the mess-room in the presence of some of my brother officers?—I do not know about “after the conversation referred to,” but I distinctly remember, on the morning of the 16th of May, 1861, having given orders to the prisoner the day previous that he should not go into the mess-room or associate with the officers until he had given me a satisfactory explanation relative to the interview I had with him the previous day, and finding him, on the morning of the 16th of May, in the mess-room, I requested him to leave the room. Did you say, in a loud tone of voice, on the occasion referred to, “Leave the room, sir,” or words to that effect?—I said to the prisoner, “Captain Robertson, I shall be much obliged to you if you will leave the room.” Were those the only observations which you then made?—They were; and he left the room immediately. Were some of my brother officers present on that occasion?—Yes. Did you convey to me by the language you used, and the manner in which it was spoken, that unless I at once left the room you would have me removed?—Certainly not; if the prisoner had not left the room I should have done so. As to “removing” him, that is an absurd question; I again say, if the prisoner had not done so, I would. Did you afterwards, in or about the month of June, 1861, tell me that you would not give me a day's leave of absence as long as I remained in the service, or words to that effect?—No. Did you do so in the month of May, 1861?—No; I gave him leave in May, 1861. Did you do so on any occasion?—I told him on no occasion. President—You mean that you did not tell him so on any occasion?—Yes. President—You never told him so?—I never told him so. By the Prisoner—Did you, in the month of June, July, or August, 1861, direct Major Jones not to grant me leave of absence from the regiment?—I directed Major Jones not to grant leave of absence to Captain Robertson without a reference to me. Why did you give such orders?—It was not the period for officers to receive leave of absence at that time. Then, why did you particularly name me to Major Jones?—

Because I chose (sensation). President—I don't know what the sense of the Court is, Colonel Bentinck, but I don't think that is quite the answer they expect you to give; I don't wish you to alter it unless you like, but I hardly think that is the answer. Colonel Bentinck—I wish to alter it and say—because I considered it necessary. Examination continued—Why did you consider it necessary to name me?—Because Captain Robertson had not given me a satisfactory answer to the letter dated the 22nd of May, and which is now before the Court. Then, what did you mean by your answer to the former question, by stating that that was not the period for granting leave of absence to officers?—No more it was the period for granting leave of absence to officers. Did you then further state to Major Jones that I was not to get leave of absence as long as I was in the regiment?—No. Did you show a written memorandum to Major Jones as to my not getting leave of absence?—I left a memorandum for Major Jones. Did you, in or about the month of July or August, 1861, order me to attend morning and evening stables?—On or about the 25th of August I ordered him to attend morning and evening stables; I cautioned and warned the prisoner that he should be in barracks every morning at ten o'clock at the orderly-room, as it was a standing order in the regiment that all business was to be commenced at that hour; the prisoner having so frequently neglected to come into barracks at that time, and my having occasion to send for him to the town where he lived, I gave him the order to attend morning and evening stables; I beg also to state to the Court, that in the beginning of the year 1861, finding the horses of his troop neglected, I also gave him that order previous to May, 1861. Having regard to your last answer, why did you tell me to attend evening stables? Witness—The same question almost would relate to the morning one; I had no particular reason except for his absence in the morning. Did you give any orders to any officer to report whether I attended morning and evening stables?—Not to my recollection; no, I don't think I ever did. Did I complain of the order as to attending stables, requiring you to forward my complaint to Sir George Wetherall? Witness—What date? Was it written or verbal? Prisoner—Did I, in the beginning of September, 1861, complain of the order as to attending stables, requiring you to forward my complaint to Sir George Wetherall?—I received a letter from the prisoner in the beginning of September, 1861, requesting that his complaint should be forwarded to Sir George Wetherall, but the regiment being then on the line of march, and about to leave the Midland District, I considered it unnecessary to forward the letter to Lieutenant-General Sir George Wetherall. Have you the letter I wrote, and if so produce it. Witness produced the letter.

“Birmingham Barracks, 4th Sept., 1861.

“Sir—I have the honour to report, for the information of the Lieutenant-General commanding the Northern and Midland Districts, that I have received orders from Colonel Bentinck, commanding the 4th Dragoon Guards, to attend morning and evening stables until further orders—namely, morning stables from half-past five o'clock until half-past six a.m.; and evening stables from half-past five o'clock until quarter-past six p.m. This not being in accordance with the rules of the service, and no other officer of the regiment (with the exception of the orderly officer of the day) being obliged to do so, as senior Captain present with the head-quarters of the regiment, I must look on this order as a very severe measure, as it involves my going to stables three times a day instead of once, namely, mid-day stables, from twelve to one o'clock p.m., which all officers of the regiment attend. I have, therefore, to request that the Lieutenant-General Commanding the District will take the matter into his consideration, and request of Colonel Bentinck an explanation.—I have the honour to be, sir, your most obedient servant,

“ARTHUR M. ROBERTSON, Captain, 4th Dragoon Guards.

“To the Assistant-Adjutant-General, Manchester.

“Note—Not forwarded—E. H.”

Did you direct the adjutant not to forward that letter to Sir George Wetherall? Yes; I never gave him orders to forward it. President—Did you direct the adjutant not to forward the letter just read to Sir George Wetherall?—Yes. By the Prisoner—When did you leave Birmingham on the march to Ireland?—On the 9th of September. Did you ever assign any reason to me for not forwarding my letter to Sir George Wetherall?—No. Did you forward my letter of complaint to the military authorities in Ireland on your arrival?—I acquainted the prisoner in a letter, dated September 19th, in answer to a letter that I received from him on the 17th September.—President—You had better answer the question put to you, and then explain. Did you forward that letter to the military authorities in Ireland?—No, sir; I acquainted the prisoner, on the 19th September, 1861, that it was my intention to acquaint the Inspector-General of Cavalry, who would shortly visit

took to Sir George Brown, who came to the decision that Captain Robertson should attend at the Adjutant-General's-office the following morning. But, however, considering that my complaint against the prisoner was of more serious importance than the subject to which the letters alluded, and that I had a prior claim to consideration from Sir George Brown, the Commander of the Forces in Ireland, I did not forward the letters to the authorities. I beg leave to state that the nature of the complaint in one letter was for having deprived Captain Robertson of a subaltern, one day, on the line of march, and ordering him to attend morning and evening stables. Did you lay the correspondence between Mr. Owen and Colonel Dickson, in March and May, 1861, before Colonel Brownrigg on the 30th September?—No, I did not; my reason for not laying the correspondence before the Deputy Adjutant-General, or the Lieutenant-General Commanding at Manchester was, that I did not consider myself justified in doing so in consequence of those relating to an affair of honour, with the object of calling Colonel Dickson out, six months after the insult or complaint. I told the prisoner, at the time, that Colonel Dickson was perfectly right in not seeing Mr. Owen, and that I had nothing to say. Did you tell Colonel Brownrigg, on the 30th September, that I had sent notices to the clubs respecting Colonel Dickson and his conduct to me?—No, I do not think I did. Did you tell Colonel Brownrigg that Sir George Wetherall had refused to grant a Court of Inquiry?—The letter of Sir George Wetherall refusing to grant a Court of Inquiry was included in the correspondence which was submitted by me to the Deputy Adjutant-General. Did you return from leave of absence only on the day, or the day before that, on which you gave the order for me to attend morning and evening stables?—That order was given to the prisoner about the 25th August; I returned from leave on the 23rd August. Did you again leave Birmingham, on leave of absence, on the day you gave the order or the day after?—I did not. How soon did you leave?—I went to London on the 2nd, and returned on the 3rd of September. Did you ever speak to Adjutant Harran as to any means to be adopted to compel my leaving the service?—No, I did not. The President said he did not think this was such a question as ought to be addressed to the commanding officer of a regiment. Do you recollect going on leave, while the regiment was at Birmingham, in May or June, 1861?—I was on leave in May. President.—Perhaps you will hand in a statement of the dates on which you went on leave, as much appears to turn upon dates. This is a question which I should have put myself at a later period. Colonel Bentinck—I was present in Birmingham from the 1st to the 7th of May; I remained away until the 14th; I went to Lichfield on the 16th, to inspect the Yeomanry, and remained until the 18th; on the 20th I went to Coventry and Weedon, to inspect the detachments there, and returned the same evening; on the 24th I went to London; on the morning of the 31st I returned to Birmingham; on the 1st of June I went to Derby to inspect the Yeomanry, and returned the same evening; on the 5th I went to Coventry and Weedon, and returned the same evening; on the 8th I was in London, and returned the same evening; on the 15th of July I returned to Birmingham; on the 17th I was in London; on the 23rd I went to Warwick, and returned in the evening; on the 24th I went to Weedon; on the 2nd August I went to London; on the 4th I returned to Birmingham. Did you, on or about the end of May, 1861, direct Captain M'Donnell to take command of the regiment during your absence?—I was ordered to inspect the Lichfield Yeomanry on the 17th of May, and on the afternoon of the 16th I told the adjutant, in the presence of Captain M'Donnell and Captain Robertson, that if anything should occur necessary to report upon he should do so to Captain M'Donnell; for my having stated to the prisoner on the previous day that I requested he would not go into the mess-room or associate with the officers, I did not consider that he should receive any reports relating to the regiment; unfortunately the major of the regiment was absent at that time, which was the cause of my giving the adjutant that order; I went on the afternoon of the 16th, and returned on the morning of the 18th, by ten o'clock; that was the only occasion on which I gave such an order. Was I at that time doing my ordinary duty with the regiment?—Yes, with the exception of being under certain restrictions; but none at all with respect to the duty. Was I then the senior officer, and, as such, entitled by the rules of the service to the command of the regiment? He was the senior officer present. Did you, in or about June, July, or August, 1861, give directions that I should exercise in the riding school with a back-board on?—No, I did not; but on or about the 5th May I ordered the prisoner to have a back-board placed on him, and also another officer who was riding in the same ride; I considered it absolutely necessary, and also the Court are aware it is part of the system of equitation drill; I do not think on that occasion the

prisoner had it on more than once; I beg leave also to state that the prisoner, when he commenced the ridings in April or May, 1861, had not attended riding school drill for a period of nearly three years before; therefore, it was the more necessary to have the back-board put on him, and he required it. Have you any record of the precise day on which you gave that order?—I have no record. Did I attend riding-school drill at Aldershott in the months of May, June, July, and August, 1861?—I think not in May or June, because we were not in Aldershott; he might have done so in July and August, but not in the riding-school, but in an open monage. If you have no record of the date at which you gave the order, how do you now fix the date at the 5th of May?—By referring to the regimental orders, that all officers should attend riding-school drill; there is no record of the back-board. If it were absolutely necessary that I should exercise with the back-board, why did you not continue it for a longer period than one day?—Because it was not necessary, and he improved; the principal reason I put on the back-board was for negligence, and carelessness, and inattention to drill, and also that he required it. Did you, when the regiment was quartered at Birmingham, in August, 1861, read out to me a paper purporting to be signed by the officers, and relating to my quarrel with Colonel Dickson?—Yes. Early in August a paper was presented to me, signed by a great many officers of the regiment, complaining of the prisoner's conduct, with a request that I would forward the complaint to the Inspector-General of Cavalry, to be laid before his Royal Highness the General Commanding-in-Chief. I immediately sent for the prisoner, and read it to him, for I considered it extremely unfair to him that there should be this paper in existence without his knowledge of it, and I informed the prisoner that, as far as I was acquainted with the nature of this proceeding, on the part of the officers, that, to the best of my judgment, there was nothing improper in it, as it was extremely respectfully worded, and I looked upon it in the same light as if a private soldier had a complaint to make to a superior authority; but I told Captain Robertson that it was a very serious matter for him if this paper went forward or came to the knowledge of the General Commanding-in-Chief, and I therefore begged of him to try if possible to prevent it. He told me, "Colonel, I do not know what to do; you are the best friend I have in the regiment, all the other officers have refused to associate with me." I told him I could not help that, but still recommended him, if possible, to prevent the paper going forward to the General Commanding-in-Chief. Who presented that document to you?—I do not know; I found it in my room placed on my table. Was it enclosed in any letter, or did any paper accompany it?—No, I think not. Did you ever make inquiries as to who left it in your room?—No. Where is that paper. If you have it, produce it?—I have not got it; I am informed it has been destroyed; it was never made use of for the object it was intended; on consideration, I thought it was inadvisable; the adjutant, in whose possession it was, informed me it was destroyed. When did you first learn that it was destroyed?—On my inquiring for it the other day, when I received a notice to produce it in court. Were you told by the adjutant at what time it was destroyed?—I never inquired. President.—The question is, were you told by the adjutant at what time it was destroyed?—No, I was not told; all he told me was that it was destroyed. Are you aware that it was destroyed to prevent its production before this Court?—I don't know. Alluding to the document signed by the officers of the regiment, did you, before it was seen by you, know that it would have been prepared?—No. To whom did you give the document after you found it in your room?—To the adjutant. Do you know was that document sent to Weedon for signature by my brother officers stationed there?—I know nothing about it. Do you know in whose handwriting the document was?—No, I don't. Did the adjutant tell you who was the author of that document?—No. Did you ever inquire?—No. When the document was found by you in your room had it the signature of any of my brother officers attached to it?—Yes, it had. How many signatures were attached to it?—I decline to answer that question. President.—I presume you mean, if the Court give you permission to decline? Witness.—Yes. President.—It would be as well if you were to use the terms of courtesy usual in the army, if you please. Witness.—If the Court allow me, I beg to decline it. President.—Very well.

The court was then cleared, and after half an hour's deliberation it was declared to be re-opened, when the President said—Colonel Bentinck, the Court have had under consideration your application, and they have decided that you are to answer the question. The question was then repeated, and the witness answered—I don't know. President.—The next question is, can you name any of the officers whose signatures were attached to that document?—Before you answer that, the Court wish to put one themselves. This question is from the Court.—Why did you not

forward the document in question? Witness—Because I did not think it necessary. President—Then I repeat the question as put by the prisoner. Can you name any of the officers whose signatures were attached to that document?

Witness—It having occurred to me that it was possible my answer to that question might be the ground for a civil action, I respectfully ask the protection of the Court before I give it. President—The Court are of opinion, Captain Robertson, that if you can conduct your defence without the names of the officers who signed that document, it would be desirable to do so, and perhaps the number of each rank who signed it would do, because it may be remembered that some of the witnesses stated that some of the officers did not sign it, and the names being mentioned would be very injurious to those officers. Captain Robertson—After that expression of opinion from the Court, I will not press Colonel Bentinek further on that question.

Examination continued—Can you state the time you found that document in your room?—About the beginning of August. Did you before you found that document in your room tell Lieutenant Rintoul that at head-quarters they were going to address a letter to you to get rid of me, or words to that effect?—No. Did you tell him “we must all sign it,” or words to that effect?—No. After that document came into your possession did you say to Lieutenant Rintoul, “you must get all these Weedon fellows to sign that letter,” or words to that effect?—No, I did not. Before you found the document in your room, did any one tell you that you would find it there?—No. How long did you retain possession of that document?—I can’t say—a very short time—not a week—a few days, I think. Did any officer sign that document in your presence?—None. Did you see that document with the adjutant in the orderly-room?—No. Why did you give the document you found in your room to the adjutant?—For him to keep it. Then, when you heard it was destroyed, why did you not ask how and why it was destroyed?—I considered it belonged to the officers, as it was never made use of. Was it you who directed the adjutant to write the letter of the 30th of September?—It was. Did you tell Adjutant Harran, on the 30th of September, 1861, that I should send in my papers, or words to that effect?—I did not. Had you, on or about the 30th September, 1861, any conversation with Adjutant Harran about my being summoned up to Dublin, to appear before Colonel Brownrigg, and ordering Adjutant Harran to send that memorandum to Major Jones?—That was the only communication I had with him on that day. Question repeated. Witness—No; I had no conversation, except giving him that order. President—Or any other day? Witness—The day after I placed Captain Robertson’s resignation in his hands. President—That is a different subject altogether; but had you any conversation, on or about the 30th of September, with Adjutant Harran?—I had no conversation with him. Question again repeated. Witness—None whatever. Did you tell him that there was nothing illegal in the document signed by the officers, which you found in your room, or words to that effect?—I told him that it appeared to me, as far as I understood the document, though being an unusual proceeding on the part of a body of officers, I did not think there was anything improper in it, or that the Commander-in-Chief could object to, as its tone was especially respectful, and as far as I could see, there was nothing to be found fault with. Did he tell you that some of the statements in that document were untrue?—I don’t remember it; he might have done so. President—But you made use of the expression “a body of officers;” are the Court to understand that it was signed by all the officers of the regiment?—I don’t know, sir! I don’t know. President—But you made use of the expression, “a body of officers?” Answer read by the Judge Advocate. Witness—I will correct that by stating all the officers. President—That includes all the officers of the regiment too? Witness—By a part of the officers; I don’t undertake to say by all.

Cross-examined by the prosecutor—Was the prisoner living out of barracks, as a married man, and, therefore, not a daily attendant at mess, when you gave him the order to absent himself from the mess-room, as stated by you, in May, 1861?—He was. Can you, by reference to your regimental orders, say whether the riding-school drill was in April or May?—I can. Were all your interviews with the prisoner, at Birmingham, in the presence of two or three senior officers of the regiment?—Yes, all, except one occasion, when the paper was laid before me by the officers, and once when the adjutant was by only. Had you any knowledge of the preparation of the document signed by some of the officers, and placed on your table until you saw it?—No. Had you any special reasons for ordering the prisoner to attend evening as well as morning stables?—My particular reason for ordering the prisoner to attend evening stables was because I heard reports from inhabitants of Birmingham, and also from the officers of the regiment regarding Captain Robert-

son and I considered it desirable that he should be in his barracks as much as possible at that time of the day. When you ordered the prisoner to ride with a back-board, had you any knowledge of his affair with Colonel Dickson, on the 17th October, 1860?—None. By the prisoner, with permission of the Court—Did you state yesterday that you had no particular reason for telling me to attend evening stables, except from my absence in the morning?—I did—Yes. How can you reconcile that answer with the answer you have given to-day, that you have had particular reasons for telling me to attend evening stables?—The question was not put to me directly; and, as I would rather not answer the question, I gave the prisoner a favourable answer yesterday, because it was a subject I would rather not enter into. Captain Robertson—I wish to have the question and answer of yesterday read. The evidence was accordingly read, and the examination continued. By the Court—When you met Colonel Dickson, in Hyde Park, on the 9th of May, did he or you first allude to Captain Robertson?—I think I did. Why did you allude to Captain Robertson in your communication with Colonel Dickson?—Knowing Colonel Dickson to be an intimate friend, and who had an extremely long acquaintance with Captain Robertson's wife, I spoke to him on a subject relating to Captain and Mrs. Robertson, and that was the way the conversation commenced. Did you know then that Colonel Dickson and Captain Robertson were not on good terms?—No; I did not. Why did you recommend Captain Robertson to retire from the service in May, 1861?—At my first interview with Captain Robertson, in May, I told him that as long as I had been in the service I never met with an officer in the British army to have received such an outrageous insult as Captain Robertson did in the Army and Navy Club, from Colonel Dickson; and I told him, in the presence of Major Jones and Captain Gunter, that it would be my duty, as commanding officer of the 4th Dragoon Guards, unless Captain Robertson—President—You are now stating what you did, but the question is why you recommended him to leave the service on the 15th May 1861?—I do not recollect recommending him. President—You told us in your answer yesterday that you did. Question and answer of the previous day read. Witness—Allow me to go on to the next question; I cannot answer that. President—Very well, go on. Witness—I then told Captain Robertson that I should require him to lay before the officers and myself an ample apology for the insult he had received, and unless he did so my advice to him would be to make arrangements to leave the regiment. Did you wait for the written explanation you had asked for before you recommended him to retire from the service? Witness—That took place at the first interview, on the 15th of May. President—The question now is, did you wait for the written explanation you had asked for before you recommended him to retire from the service?—No.

TWELFTH DAY—WEDNESDAY, FEBRUARY 26.

The Court re-assembled at eleven o'clock, and the examination of Colonel Ben-tinck was resumed.

President—There was a question put yesterday. You stated in the former part of your evidence—in your narrative of the interview on the 1st of October—“Whereupon he said to me, ‘Colonel, what do you advise me to do?’ I said, ‘I can only give you the same advice I gave you three months ago.’” Questions 356, 357, and 358 read:—“Question—Between May and October? Answer—I cannot answer that question; I must have it more specified. Did you in the month of May, 1861?—I recommended the prisoner in May, 1861, to send in his resignation. Did he refuse to do so?—No, he did not; I gave him leave, in May, 1861, to negotiate an exchange, which he contemplated prior to the 15th of May, 1861.” President—That evidence gave me an impression, and I dare say other members of the Court, that there was some prior occasion on which you recommended the prisoner to retire from the service prior to the 15th of May, and therefore I put the question to you yesterday.—“Why did you recommend the prisoner to send in his resignation?” The Judge-Advocate read the answer to the question as “No.” President—That is no answer. I asked you why you recommended him to send in his resignation? The Judge Advocate read the question from the minutes as follows:—“Why did you recommend Captain Robertson to retire from the service in May, 1861? Answer—No.” President—That is no answer. Why did you recommend him to retire from the service prior to the 15th of May, 1861? Witness I had never any conversation with Captain Robertson, prior to the 15th of May, 1861, relative to his retirement or Colonel Dickson's affair; I must have misunderstood it. President—Ver well; your former evidence relative to the 15th of May must have been in-

correct? Witness—Quite so. Previous to the 15th of May, I don't think I had ever any conversation with Captain Robertson relative to his retirement; prior to the 9th of May, 1861, I knew nothing against the character of Captain Robertson, either as an officer or a gentleman.

A corrected minute of the evidence was then made as follows:—"Colonel Bentinck begs to state, with reference to an answer made by him to a question, that the words 'prior to the 15th of May, 1861,' must have been used by mistake. He also begs to state that 'prior to the 9th of May, 1861,' he knew nothing against the character of Captain Robertson as an officer or a gentleman."

President—You also withdraw that portion of your evidence in which you stated that you recommended him to retire from the service on the 15th of May. Witness—I think the answer I gave to that question was, that on the 15th of May I recommended Captain Robertson to retire from the service, unless he could justify himself in the eyes of myself and the officers of the regiment. I should also wish to make a correction in my evidence in answer to a question that was put relative to the date of his exercising with a back-board. I think my answer was, that the date of his riding with a back-board on was about the 5th of May; I find on reference to the regimental order-book that the time was, from March 31st to April 11th, 1861, in which officers rode in the only order of riding that admits of a back-board. President—Was this previous to your knowledge of the Dickson affair?—Yes, sir. Colonel Bentinck—I wish also to correct my answer to the question—"Can you state the period at which you found the document in your room?" I wish to state that I returned from leave of absence on the 15th of July, and the Inspector-General of Cavalry, General Lawrenson, sent orders that he would inspect the regiment on the 29th of July; I therefore must have received the document between those two dates. I said in my former answer that it was about the beginning of August. I also wish to state, in answer to the question—"After you got the document into your possession, did you state to Lieutenant Rintoul, 'We must get all these Weedon fellows to sign it?'" In answer to that question yesterday I said "No;" but on consideration, I have an idea that I had some conversation with Lieutenant Rintoul after the document came into my possession. President—At the time you gave the order that the subaltern should be withdrawn from Captain Robertson's troop, was the order limited to one day?—No, sir. Was it intended to apply to the whole march to Ireland?—Yes, sir. Before this occasion, did you receive and accept a letter from Captain Robertson, dated "Birmingham, Sunday morning," or did you return it to him?—I think I must have kept it. Did you keep it from the time you received it till you handed it to the Court?—I did. Did the correspondence you sent to the Assistant-Adjutant-General in Manchester, on June 1st, refer to an affair of honour in which there was a question of sending a challenge?—Yes. Having sent part of the correspondence relative to an affair of honour, and in which there was a question of sending a challenge, why did you think it improper to send the remaining part?—Because one part relating to the dispute was six months after the transaction; all that related to the affair of October 17, 1860, I forwarded. All that referred to May, 1861, or March, 1861, I did not think it necessary to forward, or take any notice of. Did Captain Robertson's letter, dated "Birmingham, Sunday morning," refer to the affair with Colonel Dickson?—Yes. Then why was it not sent to Sir George Wetherall?—For the reasons I have already stated. Did not Captain Robertson's letter refer to the 17th of October, and why did you not send it?—Because I considered it almost unnecessary; I did not see any advantage to be gained by it. Did not that letter give some explanation of Captain Robertson's conduct?—I do not consider that the letter or its enclosures are at all explanatory of his conduct. As you laid part of the correspondence relating to an affair of honour before Colonel Brownrigg, why did you not think proper to lay the remaining part?—When I went to Colonel Brownrigg it was to ask his advice, and I laid before him the letters which had reference to the transaction which took place in October, 1860, and which had been forwarded to the General commanding at Manchester. Did you request his advice without laying before him all the papers in your possession relating to Captain Robertson's affair?—I did. You have stated that you consulted the Deputy-Adjutant-General for the purpose of expediting the business and bringing it to an issue. When did you so consult him?—On the 30th September. Did you write your letter of the 30th September after you had consulted him?—Yes. Did you write it in his office?—I did. Had you ever spoken to Colonel Brownrigg before the 30th September?—I do not think I ever saw Colonel Brownrigg until I came to Ireland, and I had not the pleasure of his acquaintance for more than a week.

before the 30th September; I had never spoken to Colonel Brownrigg on the subject of Captain Robertson before the 30th September. Mention the date of your coming to Ireland?—The 17th of September. Who was in command of the regiment from the evening of the 16th to the morning of the 18th July?—Captain M'Donnell. You have stated that General Lawrenson, the Inspector-General of Cavalry, inspected the regiment on the 18th and 19th of September. How do you explain the letter of the adjutant on the 19th, stating that the Inspector-General was expected shortly in Ireland?—I find, on reference to the order book, that General Lawrenson inspected the regiment on the 23rd of September. Was the prisoner on the sick list when the regiment arrived in Ireland?—Yes. Are you sure it was before the 15th of May you gave the order that Captain Robertson should exercise with a back-board?—I am. Was any report made to you by the riding-master of Captain Robertson's bad style of riding?—No. Had you any reason to find fault with his style of riding during the two years previous to May, 1861?—I had occasion to find fault with his riding in April, 1861, at Aldershot. Did you speak to him about it?—I did. If you ordered him to ride with a back-board, should it have been put in force before the 15th April?—I only remember Captain Robertson and the other officers riding with the back-board on one occasion. What was the date of that?—I saw the order carried into execution in my presence before the 15th April, 1861. Is one day's exercise with a back-board sufficient to correct a bad style of riding?—If the officer pays attention to it; it is with an old experienced officer. Did you give the adjutant permission to destroy the document?—No. Did you find fault with Adjutant Harran for having destroyed the document you had given him to keep?—No. Did you make any remark to him whatever when he told you he had destroyed it?—No, I did not consider it my property; I thought it the property of the officers. Had you any conversation respecting that document between the month of August, 1861, and the time he told you it was destroyed?—I might have done so; I don't remember it. Have you ever brought to the notice of your military superiors any conduct of Captain Robertson prior to this affair with Colonel Dickson?—No. Did you consider him unfit to associate with his brother officers?—I did. Why did you not report it to your superiors? No; I reported it to the General Commanding the Division, Sir George Wetherall. If you had any conversation with Mr. Rintoul relative to the document signed by the officers; what was the conversation? I have only an idea of having a conversation with Lieutenant Rintoul after I had received the document; to the best of my recollection I stated to him that it ought to be unanimous. Did you ever tell Colonel Dickson that he had acted in an improper manner? I did. After my receiving a letter from Colonel Dickson, in which he declined to appear before a Court of Inquiry, I told him that in justice to me he ought to come down and substantiate the statement he had made against Captain Robertson, that he was treating me unfairly, and that I was placed in a very difficult position. Did you speak to Major Jones on the subject of the document signed by some of the officers of the regiment? I think not. Did Cornet Tait give any reason for his not wishing to associate with Captain Robertson? No; he told me he thought it a hard case to associate with Captain Robertson. What did you infer from his saying it was a hard case? That he rather objected to associate with him. Why did you agree with him, "on consideration," as you state in your evidence? Because I thought it was a hard case. Do you know why Cornet Tait did not wish to associate with the prisoner? The objection, I imagine, was his not wishing to speak to him, for all the other officers of the regiment refused to associate with him. I imagine it was the affair with Colonel Dickson; there was a strong feeling in the regiment against Captain Robertson on that account, and also from another private reason, which I don't wish to mention. Do you know of your own knowledge whether the officers of the regiment refused to associate with Captain Robertson, or showed any disinclination to do so, before the end of March or the beginning of April, 1861? No; I don't think they did. What intimation did you receive from the inhabitants of Birmingham or the officers of the regiment that rendered it advisable that Captain Robertson should be kept to barracks as much as possible at evening stables? I heard—I used to hear reports from the officers of the regiment and the inhabitants of Birmingham that Captain Robertson used to be seen walking about the town with improper women. Then, was the order to attend evening stables given with a view to improve the condition of his horses or as a check upon him? Rather as a check. Who made the half-annual inspection of the regiment in the spring of 1861? Nobody; there was no inspection by a general officer from 1860, to September, 1861. Did the prisoner ever, during the time you commanded the regiment, report at the half-yearly inspection that he consi-

dered himself badly treated? No. Would one day at the back-board remind an officer, when words would not, that it was proper to sit upright in the saddle? It would have great effect, sir. Are you aware if officers of long service, on occasions, have to use the back-board? Yes, certainly, any officers that may require it. In my opinion, when officers ride in the school, length of service can make no difference; all officers that require it, have it; officers of long service ought to require it too. You said that when you showed the document to Captain Robertson he said "Colonel, you are the best friend I have in the regiment;" are you certain of those expressions?—I am. When you ordered the adjutant to report to Captain M'Donnell, did Captain Robertson make any remonstrance?—He did; he said he would make a complaint; I told him that when the time came I should be happy to forward any complaint he might make; the adjutant informed me afterwards that Captain Robertson had come to him, and wanted him to write out his complaint. Did you order Captain Robertson to attend morning and evening stables when you found his horses in bad order, in the early part of the year?—I did; I think in February. How long did he attend morning and evening stables at that time?—For a very short time; I think about a week.

The prisoner asked permission to see the order-book referred to by Colonel Bentinck. The application was acceded to.

President.—When you gave him orders to attend morning and evening stables in February, how long had you returned from leave?—I am not aware. Did any general officer inspect or review your regiment in the year 1861, up to the time you came to Ireland? General Wetherall came to Birmingham to see the regiment, and saw it dismounted. Did he ask the men if they had any complaints? I cannot say; I do not think he did. Was Captain Robertson present on that occasion? Yes. After you received Captain Robertson's statement as to what had occurred between himself and Colonel Dickson, did you give him any advice as to what legal steps he ought to take to vindicate his character? I did; I recommended him a course to pursue. What was it, and did he follow it? On the 6th of June I had an interview with Captain Robertson, in the presence of Captain Gunter and Captain Bragg, when I read to him General Wetherall's letter declining to grant a Court of Inquiry, and also Colonel Dickson's letter, declining to appear before the Court. I told him that it was very unfortunate for myself and the regiment that Colonel Dickson would not appear before the Court and therefore I could not do anything more; but I reminded him of his promise that he made to myself and the officers in the latter part of his letter, dated 22nd May, wherein he promised that he would receive an ample apology from Colonel Dickson. I told him that myself and the officers would expect that he would get that. He asked me what were the best steps I could recommend him to take in order to get it. I told him that if he would follow my advice he would succeed in doing so. He promised to do so. My advice to him was this—That he should get a circular printed, directed to every member of the Junior United Service Club, of which Colonel Dickson is a member, stating that "Colonel Dickson had grossly, outrageously, and publicly insulted me in the Army and Navy Club, on the 17th October, 1860, and refused to offer me any apology: I therewith declare him"—whatever expression that Captain Robertson might like to put; I stated to him that if he sent that circular I felt satisfied it would make Colonel Dickson offer an apology or lead him to give some satisfaction; it was a strong measure, but there was nothing else to be done; he promised at that time that he would follow my advice; that took place on the 1th of June; on the 17th of June he showed me a circular or statement which he had sent to the secretaries of the clubs; I told him that that was perfectly useless, that the secretaries of clubs would not take notice of it; he told me that if he had pursued the course I had recommended to him on the 6th of June, he would have been liable to an action for libel; I must say that at that time I was extremely indignant with him, and I told him that a person who considered an action for libel in preference to trying to clear his own honor I had no opinion of him, and I told him that I never in all my life had met a man so utterly devoid of all moral feeling, and that I would have nothing more to say to him. President: Did you show Captain Robertson Colonel Dickson's letter of the 28th of May before you sent it to Sir George Wetherall? I read the letter of Colonel Dickson to Captain Robertson before I sent it to Sir George Wetherall. Did you, on the adjutant's report of Captain Robertson's absence in the morning, order him to attend morning and evening stables, without calling on him for an explanation, or receiving any report from Major Jones?—Yes. Are the Court to understand that one of your reasons for ordering Captain Robertson to attend morning and evening stables in August, 1861, was in consequence of his horses being in a bad condition in February?

—No; that had nothing to do with my ordering him to attend morning and evening stables in August. Was Captain Robertson late for the orderly room on the particular morning on which you gave the order for him to attend morning and evening stables?—He was. Was any one present when you spoke to Captain Robertson on the subject of the paper or document?—No, sir; I sent for him to come to my room. Did you tell the prisoner, at any time, that if he escaped from the court-martial which was to take place about Colonel Dickson's affair, that you would have him tried for something which occurred between him and Lieutenant Rintoul?—No.

The court was then cleared, and on its being again declared open, the President said: Colonel Bentinck, the question the Court wish to put is, did you meet Mr. Owen at the entrance of the Army and Navy Club in 1861, and speak to him about Colonel Dickson?—I did. About what time?—I think it was in May; I asked him if he knew Colonel Dickson's address; I think that was all that passed; I think it was on the 9th or 10th of May; it was after meeting Colonel Dickson in Hyde Park on the 9th of May. Do you consider that those other private reasons which you have alluded to on one or two occasions as the cause of the officers not associating, were a sufficient cause?—Witness: Alone, sir? President: Alone—were they a sufficient cause?—Witness: That depends a great deal on the feeling. Do you consider that those private reasons you have alluded to on one or more occasions were a sufficient cause?—Yes, I do, quite. President: Captain Robertson, do you object to those private reasons being inquired into?—Captain Robertson: Would Colonel Bentinck state what those private reasons are?—If they are stated here, I have not the means of contradicting them. Anything that comes within his own direct knowledge I have no objection to, but if it is a mere rumour, I should object to it. A minute was made of the prisoner's objection. President: State to the Court what you know of your own knowledge relative to those "private reasons?"—Witness: I wish you to specify what it is. President: You have told the Court that there are private reasons why the officers did not associate with Captain Robertson, and you have stated that you considered those reasons a sufficient cause. Captain Robertson: I should wish to add this to my answer, that if mere rumours or reports as to matters of a private nature, not connected with any of the charges, are permitted to be stated here in this public court, the character and honour of myself and others might be assailed without any possibility of contradiction or explanation. I wish to distinguish facts from reports, sir. President: Colonel Bentinck, state to the Court what you know, of your own knowledge, relative to those private reasons?—As far as regards my own knowledge, it comes from hearsay, it comes from reports that I have heard about the prisoner. Did you inquire into the truth or falsehood of such reports?—I saw no reason to disbelieve them. President: That is not an answer to the question. Did you inquire into the truth or falsehood of those statements?—I credited what I heard; I thought there was no necessity for it. Did you, or did you not, inquire into the truth or falsehood of those reports?—I did not. You thought there was no necessity for it?—I thought there was no necessity for it; I credited a great deal of what I heard. Did you mention those reports to Captain Robertson, and give him an opportunity of disproving them privately?—I did mention a report to Captain Robertson, and advised him to act on it, and he promised he would. Did he deny the truth of the report?—I think he did; I believe he did. Did he act on the notice you gave him?—He told me he did; he told me he followed my advice. Have you reason to believe he did?—I did not inquire, sir. President: That is not an answer to the question. The question is, have you reason to believe that he did?—I am afraid not; I never inquired, but I am afraid not; it is an exceedingly private thing, and I would rather not go into it; he told me he did, but I am afraid he did not. Can you state whether, if these reports were true, they would form a good reason why Colonel Dickson should refuse to receive Mr. Owen as an envoy?—Certainly, I think so. Captain Robertson said he wished the answer given by the witness that "he did not inquire," to be recorded. President: Did you inquire?—No, I did not; I am afraid he did not; I believed him when he told me that he followed my advice. By the prosecutor, with permission of the Court: Did you speak to Major Jones, at Birmingham, of the subject of the rumours against the prisoner's conduct which you said reached you there, and if you did, what did you say?—Captain Robertson: I beg to object to that question, sir. President: On what grounds?—Captain Robertson: Major Jones stated that he knew nothing himself, except by rumour. President: The question is, whether the major of the regiment and the colonel spoke together about an officer of the regiment. Captain Robertson: I object to any conversation on the subject of a rumour. I respectfully object to any conversation which took place between Major Jones and Colonel Bentinck which had reference to rumours, and not to facts, that is what I object to. President: The Court will record your objection, Captain Robertson. The prosecutor altered his question as follows:—

Did you speak to Major Jones, at Birmingham, on the subject of the prisoner's conduct which was brought to your notice, and if so, what did you say?—President: Captain Robertson, do you make any objection to that?—Captain Robertson: Well, I don't think it is quite fair. I submit that what Colonel Bentinck may have said to Major Jones with respect to any matter respecting me, when I was not present, and had no opportunity of explaining or asserting the falsehood of, cannot have the effect of evidence against me.

The Court was then cleared, and on its rising adjourned to Friday following.

THIRTEENTH DAY.—FRIDAY, FEBRUARY 28TH.

The Court, pursuant to adjournment from the previous Wednesday, re-assembled at eleven o'clock, and remained in deliberation until twelve.

Colonel Bentinck was recalled. The President, on the opening of the Court, said: Captain Robertson, the Court have decided that your objection may hold good as to the latter part of the question. The question was, "Did you speak to Major Jones at that interview on the subject of the prisoner's conduct that was brought to your notice, and if so, what did you say?" The Court have decided on striking out the latter part of the question, namely, "What did you say;" but they allow the remaining part of the question, as to the major of the regiment speaking to his commanding officer, to stand. Colonel Bentinck: On my hearing of the report of the prisoner having been seen walking with —. President: The question is, did you speak to Major Jones at that interview on the subject of the prisoner's conduct?—I did. Did you give him any instructions at that time?—I did, sir. What were they?—I told Major Jones to tell him that if I heard of his conduct again in the town of Birmingham regarding his associating with improper women in the day time, I would order him to come into barracks; I beg leave to state that when I heard these reports I asked Major Jones if they were true. President: You are not to state the conversation. Did Major Jones report to you about the prisoner's misconduct during your absence from Birmingham?—No; he never reported to me. Had the prisoner sent in his papers to retire from the service before the regiment was inspected by Major-General Keye?—He had, sir. President: I will repeat question 556. Did Major Jones report to you about the prisoner's misconduct during your absence from Birmingham?—With regard to that question, sir, having become acquainted with the fact of Captain Robertson being seen with improper females in the town of Birmingham, Major Jones said—President: You are not to state what the conversation was. Did the Major of your regiment report to you anything concerning the conduct of Captain Robertson?—He confirmed the report; on my asking information he informed me. President: In making the report to you it does not matter whether you asked him or not. Witness: I don't think it is a report unless it is made voluntarily. President: Did you call for a report?—I did, sir; I called for information verbally. President: A report is the same, verbally or in writing; we want to know whether Major Jones reported to you anything about the prisoner's conduct after your return to Birmingham?—Major Jones never reported anything to me until I asked him; he told me the report was perfectly true. Did Major Jones report anything to you?—I don't think he reported; I don't consider Major Jones reported to me. President: The question is did Major Jones report to you or not?—The report was that he had heard of Captain Robertson associating with women of the town of Birmingham, and that he had spoken to him about it himself. President: You wish to make a correction in your evidence?—Witness: Yes, sir; the question was "Might I ask if there was anyone present when you spoke to Captain Robertson about the letter that was sent to the secretaries of the club." President: There is no such question on record. Witness: Lieutenant Harran was present when he showed me the document that he was going to send to the secretaries of the clubs. As to the question, "Who was in command of the regiment from the afternoon of the 16th of July to the morning of the 18th of July," I wish to state that it ought to be May. President: Are you quite sure that all the officers refused to associate with him?—A great part. Did you speak to any other officer besides Lieutenant Kintoul after you had seen that document?—I have a recollection of speaking to Colonel Forster, who was at the time absent from the regiment, after I had seen that document. Did you tell any one besides Lieutenant Kintoul that document ought to be unanimous?—No. Can you hand into the Court a statement of the officers who received leave of absence during the months of April, May, June, and July?—Yes, sir. By "unanimous" did you mean that Lieutenant Kintoul ought to get the other officers to sign it, or did you mean that it would be no use to forward it unless it was unanimous?—I have no distinct recollection of ever having had any conversation

with Lieutenant Rintoul; to the best of my belief my idea at that time was, that it ought to be unanimous; in fact, it being a very serious charge against an officer, I thought; I didn't wish to—read the question again, please. Question handed to witness, who, having read it, said: "I don't know." President: Your answer to that question is, that you don't know?—Witness: Yes, sir; it is such a long time ago that I don't recollect. You told us on Wednesday that you had a recollection that you had a conversation with Lieutenant Rintoul, and that you said "it ought to be unanimous." What did you mean—whether it ought to be unanimous, or whether there was no use in forwarding it unless it were unanimous?—That there was no use in forwarding it unless it were unanimous. Can you fix the date of your conversation with Colonel Forster about the document?—About the latter end of August, I think. By the prisoner: Did you ask Colonel Forster if he signed the document?

President: Captain Robertson, you objected on Wednesday to a conversation between two persons at which you were not present, and on this ground the court cannot receive it. Captain Robertson: I wish the question to be received, sir, and I respectfully submit that I have a right to test the accuracy of Colonel Bentinck's recollection, by asking him what conversation he had with any person in relation to matters that have been given in evidence. President: Do you wish to allude to the conversation that passed between Colonel Forster and Colonel Bentinck, do you wish only wish to ask him if he asked Colonel Forster to sign the document. Captain Robertson: I will leave the question with the court. I don't wish to occupy their time, but I wish to have the question recorded.

Examination by the prisoner continued: Have you any record of an order given to me in the beginning of the year 1861, to attend morning and evening stables?—No record, a verbal order. Is it only by a reference to the regimental order that you have produced, you can fix the time that I exercised with a back-board?—Yes, and my own recollection. Had you any official communication with Sir George Wetherall respecting me, except that relating to the Dickson affair?—No. Can you fix the date of your conversation with Major Jones as to his saying that I had been seen with improper characters?—I cannot fix the exact date, but it must have taken place after my returning from leave on the 15th July, to the best of my recollection. You stated in your evidence that you have not been able to find my note addressed to you, accompanied by my official letter of the 7th September, 1861; is that now handed to you a copy of that letter?—I have no doubt it is, sir. [Letter handed in and read. It requested Colonel Bentinck to forward the official letter of complaint which accompanied it.]

A list of witnesses summoned for the defence, but not required for the present, was next handed in.

President: Don't you require to call Lieutenant Harran? Captain Robertson: No, sir. President: I don't think we are very likely to let him go at any rate.

Lieutenant Rintoul, 4th Dragoon Guards, re-called and examined by the prisoner on his former oath: Did you, in the month of June, July, or August, 1861, see in the possession of any of the officers, a document reflecting on my character?—I did. Had you, in or about the month of June, 1861, any conversation with Colonel Bentinck about it?—I had. Can you fix the date of that conversation?—On the 5th of June. Where did that conversation take place?—At Weedon.

The President, on the next question being handed in, said: You want the conversation between Colonel Bentinck and the witness? Captain Robertson: Yes, sir. President: You objected on Wednesday to Colonel Bentinck stating the conversation which took place at an interview at which you were not present. Captain Robertson: Yes, but that was regarding rumours. President: We have it in your own handwriting that you objected, because you were not present. Captain Robertson: I would respectfully submit that the same principle does not apply to this case. The President read Captain Robertson's objection. Captain Robertson: I respectfully submit that the same principle does not apply to any question I may put as to the accuracy of the statements of any of those witnesses. I put a particular question to Colonel Bentinck. President: Will you put your objection in writing?

The Court was then cleared, and on the admission of strangers the President said: Captain Robertson, the question you propose to put is, "State what passed between Colonel Bentinck and you, on the 5th of June, in relation to that document?" and you handed in this paper, "I respectfully submit that I am entitled to examine Lieutenant Rintoul in relation to the conversation between him and Col. Bentinck, Colonel Bentinck having stated in his evidence that he had not any conversation with him." The Court have decided that in consideration of the prisoner's explanations the question he proposes should be allowed, although the explanation is in

opposition to the reasons he gave on the 26th instant. The Court came to this decision from a wish to allow the prisoner every facility to conduct his defence; but the Court wishes also to remind the prisoner, with reference to question 565, that if he could conduct his defence without bringing forward the names of the officers who signed that document, it would be desirable to do so. Captain Robertson: This question will not elicit the names of the officers, nor is it intended; I mean to adhere to the suggestion of the Court. President: When you put the question to Colonel Bentinck to-day about the names of the officers who signed that document, we thought it was at variance with the former statement. Captain Robertson: The reason I asked the question was, because it was vital to my defence to ask the question about Colonel Forster. President: Yes, but that is asking the names of the officers who signed the document.—Captain Robertson: No, sir, it was asking Colonel Bentinck if he asked him to sign it. I do not wish to press for the names of the officers if I can avoid it.—President: So the Court understood. Could you not elicit the information you want from Lieutenant Rintoul by a more direct question?—Captain Robertson: We think it is a fair question.

President: You could get that information regarding Colonel Bentinck just as well from Colonel Forster himself as from Colonel Bentinck. The question is—State what passed between Colonel Bentinck and you on the 5th of June, 1861, in relation to that document?—Witness: Colonel Bentinck came to Weedon to inspect the detachment of which I was in command at the time, and we had some conversation relative to Captain Robertson and Colonel Dickson's affair, and, amongst other things, Colonel Bentinck said that the officers at head quarters were going to address a letter to him begging to have Captain Robertson removed. Had you on a subsequent occasion another conversation with Colonel Bentinck on the subject of that document?—Yes. Can you fix the date of this second conversation?—On the 27th of August, 1861. What occurred about the document on that occasion?—Colonel Bentinck and I had been conversing together on a step that was likely to take place in the regiment, and he said, "You must get all these Weedon fellows to sign that letter." I should have said that they refused to do so previously. Were the 4th Dragoon Guards divided into three divisions in England in the summer and autumn of 1861?—They were. Can you state the number of the officers that were stationed at Birmingham?—Not exactly; about eight, I should think. Was one division at Weedon, another at Coventry?—Yes. Have you the original telegram of the 1st of October, 1861, from Lieutenant-Adjutant Harran to you, and if so, produce it?—Yes, I have, and beg to produce it:—"Mr. Harran to Robert Rintoul: Sandy has sent in his papers; I am going in for his troop; don't say anything about it." President: Who noted the time in this at which it was received?—Witness: I did, sir. Do you know what became of the letter of which you have spoken in your evidence?—I don't know. By the prosecutor: Did you see the document you have alluded to in your evidence?—I have seen it. The President, on the next question being handed to him, said: Colonel Brownrigg, then you don't wish to adhere to the course taken by the prisoner with regard to the names of the officers who signed the document? The question is—Did you decline to sign the document?—I declined to sign it three times. Colonel Brownrigg: That is not an answer to the question. President: Captain Robertson, now you are at perfect liberty to get any evidence you like about the names of those officers, you having formerly agreed to the suggestion of the Court, out of consideration for your brother officers. By the President: Did you sign that document after having refused to sign it three times?—Witness: With your permission, sir, I decline to answer that question, as it is a very important one. President: You are quite at liberty not to give any answer that would criminate yourself. I will clear the court if any member wishes it; but my opinion is, that the witness is at perfect liberty to request permission of the Court to decline answering the question if he chose to do so. By the prosecutor: Did you endeavour to procure signatures to that document?—I took an indirect message from Colonel Bentinck to some of the Weedon detachment that they should do so. What do you mean by an indirect message?—Alluding to the conversation with Colonel Bentinck, on the 27th of August, I told Colonel Bentinck that I should see the Weedon detachment that day; and I asked him should I tell them that they were to sign the letter. President: What do you mean by an indirect message?—I would call it a direct message if Colonel Bentinck had asked me to tell them; but I asked him if I should tell them, that was in reference to my remark, that I should see "those Weedon fellows to-day." By the Prosecutor: You stated just now that Colonel Bentinck said, "You must get those Weedon fellows to sign it," and you now say that you suggested this step yourself, which of these statements is the correct one?—It was after Colonel Bentinck said that that I suggested it. President: When did you ask him should you get them to sign it?—After he made use of that expression I said, "Well,

then, shall I ask them to sign it?" President: Did you understand the words—"You must get these Weedon fellows to sign it," as an order?—No; it was said in quite an off-hand way. President: I don't see any contradiction in that. Witness: I then asked him if I should tell them, as I knew I should see them that day. By the Prosecutor: Did the document contain a statement that the officers of the regiment could no longer associate with the prisoner?—I don't recollect the wording of the letter. Prosecutor: That is not an answer to the question. Witness: I don't recollect the words of the letter. President: You informed the Court the other day you kept notes of everything that enabled you to state matters correctly. Witness: I cannot state more accurately than I have done; I will put the notes at your service if you think proper. President: No; but on a former occasion you said that you were enabled to state accurately the facts on account of taking notes, and it occurred to some members of the Court that you might possibly have taken notes of this document, as it was a remarkable one. By the President: Can you state generally the purport of that document?—The purport was to beg that Captain Robertson might be removed from the regiment. Do you recollect who it was addressed to?—No. I presume it was addressed to the colonel. You only know the request; you don't know to whom it was written?—No, I do not. Will you swear that Colonel Bentinck spoke to you about the document on the 5th of June, 1861?—I will. State when you first saw the document, and when it was sent to Weedon for signature?—I saw it first at Coventry, in the month of July; I think the month of July; I am nearly sure. President: But when was it sent to Weedon for signature?—I am not sure about it. Were there signatures attached to the document when you saw it?—Yes, sir. Did you copy the letter into your note-book?—I did not. Was this document the letter which Colonel Bentinck told you on the 5th of June, the officers at head-quarters were going to write to him requesting the removal of Captain Robertson?—I presume it was the same. You say that you presume that the letter was addressed to Colonel Bentinck. Do you mean to say that Colonel Bentinck proposed that the officers should sign a letter addressed to himself, and wished you to get signatures?—I don't say that he proposed it at all. Did you use any other endeavours to get signatures besides taking Colonel Bentinck's suggestions?—The adjutant gave me "round-robin" on one occasion on which he was at Newbridge, to take to the detachment at the Curragh to give to the officers for their signatures. President: When was this?—Witness: In the month of September, 1861. How many officers were present with the division at Weedon, when they refused to sign the letter?—I can't say; about five, I think. You said that the "Weedon fellows" had refused to sign the document previous to the 27th of August, 1861. When, and how often have they been asked, and by whom?—Once only I think, and by the adjutant; I can't say for certain; he might have sent it another time. At what time?—I cannot say, sir, because I was only told he sent it, and that they declined to sign it; it would be in the month of July or August. President: Was it before the 27th of August that they refused to sign it?—Yes, it must have been. Prosecutor: The witness stated that the officers at Weedon refused to sign it, and now he states he only heard so. Witness: I was told it was sent once, and I know it was returned; at least the Weedon officers told me they returned it. President: You were only told that it was sent; you do not know that it was by the adjutant?—I certainly do not know, sir. By the President: If Colonel Bentinck did not propose the document at all, how do you reconcile this with your former statement that he told you such a document was about to be prepared at head quarters, and sent round the stations for signature?—I do not say that he did not propose it; I do not know that he proposed it, but I think it is very likely he did. Assuming that Captain Robertson had, in consequence of that document referred to, been obliged to leave, would the step in all probability have gone in the regiment?—No; I should say certainly not, but I do not know; I cannot speak of what I am not acquainted with. Referring to your former evidence which you gave before this court, did Captain Robertson state to you at Newbridge that the papers were ready for him to sign when he arrived at the Deputy Adjutant-General's office in Dublin, on the 1st of October, 1861?—No, he did not tell me so.

President: Captain Robertson, in reference to your former question which you wished to put to Colonel Bentinck, the state of affairs is now so changed that you are at perfect liberty to recall Colonel Bentinck and examine him on the subject. The question put by the court is—Did Colonel Bentinck ask you to sign the document? Witness: He did not, sir. By the Prisoner (with permission of the court): Did the adjutant ask you to sign that document?—He did. President: When was that?—First of all on the 13th of August, and then on the 25th, I think; but I am not at present sure. By the Prisoner: What did he say to you when he asked you to sign the document?—He brought the paper to my room to sign, and I declined doing so; I am now talking of the last occasion.

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FOURTEENTH DAY.—SATURDAY, MARCH 1st.

Lieutenant Rintoul was recalled and examined by the Court: Had you come to your last resolution concerning the question of putting your name to that document before you answered the question referred to yesterday, of Colonel Bentinck?—Before. When you stated that on the 27th August, 1861, Colonel Bentinck and you were conversing about a step likely to take place in the regiment, whose was the step referred to?—It was his own leaving, sir; it was the probability of his leaving the regiment, of his own retirement. Were you the first to purchase at that time?—Yes, sir. Did you command a troop under Major Jones's orders on the march from Birmingham to Liverpool?—I did, sir. Was the troop under your command separated from the troop under Captain Robertson's command during the march?—No, sir; we marched together. Did they march by two different routes at any time, or did they always march in the same route, and at the same time?—Yes, sir; to the best of my recollection. Was the troop under your command separated from the troop under Captain Robertson's command during the march?—No, sir; we marched together in a body. Did the officers of both troops mess together during the march?—Yes, except Captain Robertson, who was on the sick-list. There was not a separate mess for each troop?—No; they all joined in the one mess. Was Captain Robertson a member of the mess on that occasion?—He never messed with us; he was on the sick-list. If he had not been on the sick-list would it have been in the ordinary course of things that he should have joined in the mess?—It would have been quite optional with him. If he were not on the sick-list would it have been in the ordinary course of things that he should have joined the mess?—Just as he pleased; we do not always mess together on the line of march, as we do in the regiment. Would Cornet Tait have been necessarily more absent from the mess than he was if he had remained attached to Captain Robertson's troop?—No; certainly not. Then did the subaltern officers do duty in the two troops as orderly officers of the day, according to custom?—We had no orderly officer. Did Captain Robertson mess with the rest of the officers on the first day of the march?—I cannot say; I did not join the detachment on the first day. Captain Robertson: When the Court rose yesterday, I think Lieutenant Rintoul was in the middle of his answer, as to what occurred between him and Lieutenant Harran on the 27th of August, 1861; may I ask if he will be allowed to complete his evidence? President, Read the answer 605. The Judge-Advocate read the question and answer, as follows:—"What did he say to you when he asked you to sign the document?—He brought the paper to my room to sign, and I declined; I refer to the last occasion." President: Have you anything to add to that?—Witness: Yes; I declined to do so, and said I had again consulted with the major of the regiment, and he strongly advised me to have nothing to do with so illegal a proceeding. The adjutant rather pressed me to do so, and said all the officers were going to sign it. I said, "Does the colonel wish it?" And he replied, "Yes." I then said, "Well, if it is his wish, and as it is a regimental affair, I will do it, but it will be very much against my conviction." You stated that you refused to sign that document three times, can you give the dates of your so refusing?—The 3rd, the 13th, and the 25th of August.

The court was then cleared, and on the admission of strangers, the President said: Did you consider that the statement, if signed by most of the officers in the regiment, would cause the prisoner to retire?—I did. Do you still wish to decline stating whether or not you signed that document?—I have as much as admitted it. But we have not got it on record. Do you still wish to decline stating whether you signed that document?—No; I may as well say that I did sign it. When and where did you sign it?—At Birmingham, on the 25th of August. When you signed that document, did you wish that it should have the effect of driving Captain Robertson out of the regiment?—I did; I did not care much whether it did or not. Referring to your former answer to question 605, wherein you said that you told the adjutant it was against your own conviction to sign it, do you mean to say that to oblige Colonel Bentinck you signed a document calculated to injure a brother officer against your own conviction?—I looked upon it, in the way it was put to me, as a regimental affair, under the guidance of the colonel. How came you to see the document at Coventry, and was Colonel Bentinck at Coventry when you saw it?—Colonel Bentinck was not there; some of the officers came over from Birmingham to sit on a court martial, and one of the officers brought the "round robin" with him. You have stated that you signed the document against your conviction;

do you mean against your conviction as to the truth of the document or the legality of the proceeding?—My conviction as to what was right to be done; I thought it was illegal too. What was your conviction at the time as to its truth?—Well, I supposed that it was true; I could not know that it was true from my own knowledge, but merely from what I heard. What was the purport of the contents of that document?—It was against his character, and for the purpose of getting him removed. Were any reasons assigned why the officers should wish to get him removed?—I do not exactly remember the words; there were reasons assigned. Well, state those reasons. Witness: Am I obliged to do so? President: The Court wish to know the reasons assigned in that document. Witness: It was against his general truthfulness. President: What other allegations were made in that document against him?—I believe it touched upon some very private affairs of his own. Did you consider the document contained any matter that was not true?—I had no personal opportunity of knowing whether it was true or not; I believed at the time that it was true, from what I had heard. President: There was an impression, from your evidence yesterday, that you had taken it to Weedon yourself. It is not on record, and we wish to know if you did?—No. Did you endeavour yourself to obtain signatures from any of your brother officers?—I stated yesterday that I took a message from Colonel Bentinck to the officers of the Weedon detachment who were at Coventry. Did you, directly or indirectly, at any time try to obtain signatures to that document?—I did on that occasion. Regarding that document, you have stated that you believed it was true at that time. Have you reason to change your opinion since?—I have. Were you on terms of intimacy with Captain Robertson at that time?—I was not. What reasons have you had to change your opinion?—My opinion then was only founded on reports, and other reports which I have since heard have caused me to change it. Did you ever communicate with Captain Robertson on those reports?—Never. Do you believe all reports you hear, first on one side, then on the other?—I do not. The evidence of the witness was read over, and the witness said he wished to mention that he first saw the document on the 3rd of August, and not in July. He also explained that the document was not taken by him either to Weedon or Coventry. It was merely the message he took. He further withdrew the words "I did" from his answer to the questions as to whether he wished the document should have the effect of driving Captain Robertson from the regiment. President: Were you, at the time Colonel Bentinck spoke to you about the officers signing the document, the officer who would have got Captain Robertson's troop if he had sent in his resignation?—Witness: In all probability, unless my senior had then put down his name for purchase. Who was your senior?—Adjutant Harran. Did you ask the officers of the Weedon detachment when you were at Coventry to sign the document before you had signed it yourself?—It was after I had done so. You have told us that when you were at Newbridge it was brought by Adjutant Harran to you to take to the Curragh. Did you take it to the Curragh?—I am almost sure I did, but not perfectly. When and where did Adjutant Harran ask you to sign it?—Witness: On the last occasion on which I signed it? President: Yes. Witness: At Birmingham, on the 25th of August. President: And that is the occasion on which you did sign it?—Yes. When Adjutant Harran stated to you on the 30th September that Captain Robertson would have to retire, did he tell you that his own name would be returned for purchase?—He did not. Captain Robertson: Can you state whether the document also referred to the affair between Colonel Dickson and me?—I cannot. You have stated that you were not on terms of intimacy with me in the months of July and August, 1861. Can you state the cause of the difference between us on that occasion?—Captain Robertson had intimated to me that he was desirous to leave, and had negotiated with me to purchase his troop, and after taking certain steps to carry out the arrangement he retracted his intention of leaving. We had some misunderstanding in consequence—we had some words. President: How many times did you see that document?—I think I saw it four times. You have stated you cannot tell whether the document referred to the Dickson affair. Did you ever read the document?—I heard it read once. President: The question is whether you ever read it yourself?—No, I did not. Have you no recollection of Colonel Dickson's affair having been mentioned in that document?—Not the least. By the prosecutor, with permission of the Court: Did you then sign that of which you knew little or nothing?—I did, but at the time I had a more exact knowledge of it; I forget it now. Were you satisfied to sign a paper without reading it, which you knew would affect a brother officer so seriously as to drive him out of the service?—I have stated that I was not satisfied, and that I signed it against my conviction. Was it

against your conviction you asked others to sign it?—As it was a regimental affair I asked others to do so.

The Court, in consequence of questions put by the prosecutor on the previous day, relative to the signatures attached to the document, gave Captain Robertson permission to recall Colonel Bentinck, and examine him relative to that subject. Captain Robertson stated that he did not wish to examine Colonel Bentinck with a view to ascertain the names of his brother-officers.

Cornet Farquhar sworn and examined by the Prisoner: Did Adjutant Harran, in the orderly room, in the month of August or September, 1861, in the presence of Colonel Bentinck, ask you to sign a document reflecting on my character?—Yes. Were you asked to sign it more than once?—No. Do you know whether Colonel Bentinck heard Adjutant Harran ask you to sign that document?—I don't know. Were you asked in the hearing of Colonel Bentinck?—Yes. By the Court: Can you state the contents of that document?—I cannot state the contents of the document, except it be produced and read. But you cannot state the contents yourself?—I cannot remember it now. Perhaps you could state the purport of it?—The purport of it was a reflection on Captain Robertson's character. Do you remember if the affair of Colonel Dickson was stated?—I think not. You have stated that you were asked to sign it in the hearing of Colonel Bentinck; was he occupied at the time that your conversation with Adjutant Harran might not have reached him?—He was standing with his back to the fireplace at the time I signed the paper.

Riding-Master George Price sworn, and examined by Captain Robertson: Have you any recollection of seeing me exercising in the riding school with the backboard on in the year 1861?—Yes. Can you say at about what time of the year 1861 you saw me exercising with a backboard?—I could not swear to the date, but I believe it to have been in July or August. By the Prosecutor: When there is no special orders for riding with birdoons, do not officers always ride in the riding school with bits?—Yes. Does an officer ever ride with a backboard unless with a birdoon?—They can use both bit and birdoon in riding with a backboard, by dropping the bit rein, and taking up the birdoon, but both are on the horses. When officers do not ride with birdoons are swords generally drawn?—Sometimes they draw swords and sometimes they do not; it depends upon the person drilling them. How often did Captain Robertson exercise with a backboard in the year 1861?—I don't remember him riding more than once; he may have ridden so on more than one day, but I don't remember more. Can you state that this one ride was not in the month of April, 1861?—Yes; I am sure it was not in the month of April. In reference to the last question and answer, what makes you sure of this?—Because it was late in the season, and besides my serjeant-major was at Coventry at the time, and I know he was at Coventry in July or August. In what order, as regards bridle, was Captain Robertson's horse when he rode with a backboard?—I cannot remember; but it makes no difference as to the head gear, as regards riding with a backboard. By the Court: Did you, in 1861, report to your commanding officer that you considered it necessary for Captain Robertson to ride with a backboard?—I did not. Did you consider it necessary, from Captain Robertson's bad style of riding, that he should ride with a backboard in 1861?—No, I did not consider it necessary. Did the officers ever ride in the school between the months of March and September, 1861, when you were not present?—I cannot say. Were you away from head quarters during that time, from March to September?—I was away from head quarters for a day; I went to Coventry to do business for the Colonel, and came back in the evening; in May I was in Coventry for three weeks; I am not quite certain about the time, but I think it was about the latter end of May and beginning of June. Was Colonel Bentinck present when you saw Captain Robertson exercise with a backboard?—He was. Does the order for an officer to ride with a backboard coming to you explain the nature of the proceeding?—When the officers ride the commanding officer generally goes with them, and gives the order himself. On the occasion referred to Colonel Bentinck said, "Put a backboard on Captain Robertson;" and it was immediately done. It was not ordered the day before?—No; it was given at the time. Did Colonel Bentinck tell you why the prisoner was to ride with a backboard?—He did not. How long have you been riding-master?—About eight years. Do you ever remember seeing a captain ride with a backboard before?—No. Have you ever known an officer ride with a backboard when his horse had a bit on?—I cannot say an officer, but I have seen soldiers; I never saw an officer ride with a backboard except Captain Robertson and Mr. Child. You have never

seen any officer ride at all with a backboard?—Never, except on this occasion. During the eight years that you have been riding master? Never, except on this occasion when I saw Captain Robertson and Mr. Childe. Why do men ride with backboards?—I never use backboards unless a man is sulky, and will not pay attention. Would the regimental order that the officers are to ride next day with birdoons, necessarily give any clue to the time of their having been used?—No. Do you know how long Mr. Childe was in the service at the time you saw him riding with a backboard?—I should think about twelve or fifteen months. Had Captain Robertson been inattentive at riding drill?—I did not consider him ever inattentive to his drill; he is an indifferent rider, but not inattentive. Did any other officer ride with a backboard on that day?—I cannot say it was the same day that Mr. Childe rode with a backboard. Were you surprised at Colonel Bentinck's order that Captain Robertson should ride with a backboard?—No, I was not surprised; I knew it was unusual. Was it before the riding began that the order was given?—No. Was Captain Robertson riding inattentively when the order was given?—No, not in my opinion. Was Captain Robertson in the first class list which you showed to the General at inspection?—No, in the second class. Would his being in the second class require him to be exercised with a backboard?—No. Was Captain Robertson riding "smartly" when the backboard was ordered?—He never rides very smartly; he was riding as smartly as he could. Are you aware that it is the custom in the 7th Dragoon Guards to practise with a backboard?—No, I am not aware of it. Was Colonel Bentinck in the 7th Dragoon Guards before he came into the 4th Dragoon Guards?—I believe he was. Is there not a difference in the practice on this point in different regiments?—I never heard of any regiment using a backboard with an officer. Do you recollect what officers were present on the occasion of Captain Robertson exercising with a backboard?—I do not. Are you acquainted with the practice of the riding schools in other regiments?—No. By the Prosecutor: Is it usual for a Captain of Captain Robertson's standing to be in the second class?—Yes, we have old officers in it sometimes; at present we have a Captain senior to Captain Robertson in the second class. Have you ever been through the riding school at Maidstone?—Yes. Who classifies the officers, you or the Commanding Officer?—I do.

Captain Robertson said: General Gordon, I intended to call Sergeant-Major M'Cloughy as a witness, with reference to a statement by made by Col. Bentinck, that I attended morning and evening stables in the month of January or February, 1861, and I handed in his name to Major Darby yesterday to have him summoned for to-day, and I have just heard that, though expected, he has not yet arrived from Newbridge.—Judge Advocate: I sent the letter to Colonel Bentinck's quarters. President: Captain Robertson, what course do you propose to pursue when you shall have examined your serjeant-major—do you intend to close your defence?—Captain Robertson: When all the evidence is closed, I will respectfully ask the Court to allow me to make a reply to the case now made before the Court. President: The prosecutor has closed. Do you want to make a further statement? If you have no other witnesses we might close in half an hour.—Captain Robertson: Unless the Court call other witnesses. President: You handed in Lieutenant Harran's name as a witness.—Captain Robertson: I think sufficient has been shown in the course of this case to prove that Lieutenant Harran would be an adverse witness to me, and that is the reason I did not call him.

Colonel Bentinck was then recalled to produce a statement relative to the dates at which the officers of the regiment received leave of absence, and the period over which their leave extended. President: How many officers obtained leave of absence except for cases that could not be refused—such as a marriage, &c.—during the drill season?—Colonel Bentinck: I cannot say. What steps have been taken to get up the troop serjeant-major of Captain Robertson's troop? The Adjutant received an order and forwarded it. Did you not see the order?—No, sir. The Judge Advocate, in reply to the President, said he forwarded the order to the commanding officer, and told the orderly to take it to the adjutant, and tell him was for the commanding officer.

Captain Robertson: General Gordon, although I do not wish to oppose anything, which may appear to the Court that ought to be done, still I submit that when the case for the prosecution and for the defence has closed no further witnesses should be examined. With this statement I leave the matter in the hands of the Court to do as they think fit. President: You stated you had no objection to Adjutant Harran. Captain Robertson: I wish the Court to do as they please. With regard

to Adjutant Harran, I mentioned before that he would be an adverse witness to me, and that is the reason I did not call him.

Adjutant Harran was then called, but not sworn in reference to the order for the production of Captain Robertson's troop sergeant-major. President: What steps did you take to secure the attendance of the troop sergeant-major?—The letter came late last night, and was forwarded by a party going down this morning in order that it might be early. What time was it sent down?—I think it was some time after twelve o'clock. Why did you not put it in the post?—There is only one delivery at the Curragh in the day. President: There are two deliveries now. Adjutant Harran: I am sorry I did not know that; I was told there was only one. President: You were told wrong.

FIFTEENTH DAY.—MONDAY, MARCH 3RD.

Troop Serjeant-Major M. Cloughry, 4th Dragoon Guards, sworn and examined by the Prisoner: Were you serjeant-major of my troop in the months of January and February, 1861?—Yes, sir. Were you in the habit of attending morning and evening stables during these months of January and February, 1861?—I was, sir. Did I attend morning and evening stables during the months of January and February, 1861?—No, sir. Did you ever know me to attend morning and evening stables during the year 1861, except in the months of August and September?—No, sir. By the Court: Were you present in the riding-school, at Birmingham, on the occasion last summer when Captain Robertson rode with a backboard?—I was not. Did Captain Robertson attend morning and evening stables on any occasion prior to his doing so in Birmingham in August, 1861?—No, sir. Not on any occasion prior to that?—No, sir. Could he have attended morning and evening stables without your knowing it?—He could not, sir. What period do you include in that answer?—I have been Captain Robertson's troop serjeant-major since September, 1856, and he never attended morning stables, nor could he have done so without my knowledge, except at the time when I was in hospital for about a month. What period was that?—In July, 1860. Were you at your duty all that time?—I was at my duty until the regiment marched from Birmingham, in September, 1861, and during that time he has not attended morning or evening stables, except in the latter end of August and beginning of September, 1861. When were you on furlough?—I was on furlough in January, 1857, and Captain Robertson was away from regiment during that time. Have you been on furlough since?—I was on furlough in January, 1859. Have you been on furlough at any subsequent period? I have never been on furlough since January, 1859.

President: Captain Robertson, when do you propose to close your defence?—Captain Robertson: I have closed my defence now, sir.

Lieutenant-Adjutant Harran called and questioned relative to the steps taken for procuring the attendance of Troop Serjeant-major M. Cloughrey, who was not in attendance at the opening of the Court: What steps did you take to get Serjeant-major M. Cloughrey up?—I sent an order on Sunday night to have him here by the first train; I sent by post and by hand too. Did you know there was no post on Sunday?—I was not aware of it at the time; I knew if he did not get it on Sunday he would on Monday morning. President: You were commissioned to carry out the directions of the Court, and he did not come by the first train.—Lieutenant Harran: That was the order, sir.

President: Captain Robertson, then you have closed your case?—Captain Robertson: I have closed my case, sir. President: I understood you were going to make some remarks on the evidence?—Captain Robertson: I respectfully ask the Court to permit me, when all the evidence has been closed, to make a reply to the evidence in the case. If the prosecutor intends to call any witnesses, I apprehend the proper time for me to reply would be when he has done so. President: The prosecution is now closed, and therefore now is the time for you to close your defence. When you have done so, we mean to recall one or two witnesses with reference to certain points which have been elicited during the progress of this trial. The prosecutor has stated that he intends to call a witness to impugn the evidence of one of your witnesses; you will then be at liberty to call any witnesses you choose to sustain the credibility of your witness; you will be at liberty to reply to his evidence, and then, I suppose, the prosecutor will make a rejoinder on the whole case. But you must now conclude your defence.—Captain Robertson: I have now closed my defence. President: I do not think you quite understand me. Any

remarks you make hereafter must be confined to the evidence brought out by the prosecutor, and that will give you a very small limit.

The President said a letter had been received from Sir George Wetherall, and he wished it to be put in on oath. Colonel Brownrigg proved the handwriting and signature. It was in reference to the erasure of a figure in the margin of one of the documents in which Sir George Wetherall had been examined before the Court. Sir George stated that he had examined the records in the Adjutant-General's Office, and had found that the figure was 2 and not 6. The alteration was not made in the Adjutant-General's Office, and he remembered to have seen three enclosures, as stated in his evidence before the Court; and he could not have received them on any other occasion, having had no communication with Colonel Bentinck or any other person on the subject. This letter had reference to the enclosures in the correspondence relative to the Court of Inquiry. President: Captain Robertson, among other matters that the Court wished to examine Adjutant Harran upon was as to the alteration of this figure in the margin; but as you don't call him, we cannot do so. There is a very serious alteration in one of the documents, and the Court wished to know when it was made; and, as the document was in his possession, we would wish to examine him about it. There are also one or two other matters about the 1st October, in which Adj. Harran is concerned—for instance, your letter of resignation; and we took it for granted that you were going to get it all out, and not leave the Court to do it. Captain Robertson: General Gordon, I stated on Saturday the reason why I did not wish to examine Adjutant Harran, and I trust the Court will not press me to examine a witness in my behalf whom I believe to be adverse to me. President: The Court do not wish to press you at all. You began by stating you wished the fullest investigation in the case; he is a very important actor in this case, and you do not call him; but the Court does not wish to press you. Captain Robertson: General Gordon, I am very much obliged for the intimation the Court have made to me. I should like very much to make some remarks on the evidence. A great mass of evidence has been given, and I would respectfully ask for two days to make the remarks you have given me permission to make. It would take one day to draft and another to copy it. President: The Court will grant your application, and adjourn from to-day till Thursday, next.

Colonel Clarke was then recalled by the Court, and examined on his former oath, as follows:—At the two interviews which you had, at the Army and Navy Club, on the 18th October, 1860, with Captain Robertson and Captain Henry, did Captain Robertson or Captain Henry say anything to you about Colonel Dickson not receiving a challenge unless he lodged the price of Captain Robertson's commission?—No, not to my recollection; I have no recollection of it; I think I would have recollected it if anything of the sort had taken place.

Captain Henry, late 4th Dragoon Guards, recalled by the Court and examined: What did Captain Robertson say when you told him you had refused to accept Colonel Dickson's letter of apology?—I have no recollection of any conversation between myself and Captain Robertson after I had refused to receive Colonel Dickson's apology. You say you have no recollection of any conversation. Can you tell us to what effect were his words?—I do not recollect any words which occurred; the conversation must have been very short; I have no recollection of it, but I told Captain Robertson on the occasion referred to, that the letter was not satisfactory, and that I had sent Captain Durant back again to Colonel Dickson with it. I am referring to your letter of the 23rd March, in which you stated to Mr. Owen, "I distinctly understood Captain Durant to say that Colonel Dickson would have nothing to do with Captain Robertson in any way until he had settled with him legally." Assuming that your evidence is true, did you consider that you were writing an untruth, calculated to injure Colonel Dickson, and place his conduct in a false position?—No, it did not occur to me; I wrote that letter immediately subsequent to Captain Robertson's statement, that he would have full satisfaction or an ample apology, with a view to give him every opportunity of vindicating his honour and that of the regiment; the facts stated in that letter are substantially correct, as regards the conversations between Captain Durant and myself. What facts do you refer to?—The three interviews I had with Captain Durant, and the result of them. Can you give the Court any reason why they should place more reliance on what you stated on the 3rd of February, 1862, than on your letter to Mr. Owen, of the 23rd of March, 1861?—I do not think it is fair for Captain Robertson to give me a stab in the dark. President: That is not quite an answer to the question.—Witness: The letter of the 23rd of March was written under excitement—was written for a specific purpose, President; You stated that

Captain Durant told you that Colonel Dickson would have nothing to do with Captain Robertson until certain legal matters were settled between them, and that then any other matters might be settled. What was meant by "any other matters?"—The matters in question—Colonel Dickson's language to Captain Robertson. Then, do you now state that Colonel Dickson did insist on postponing this quarrel?—That was the message that Captain Durant gave me. Did you refuse to accept Colonel Dickson's apology on the 18th October, as soon as Captain Durant gave it you?—I read the letter, and at once refused to accept it. Did you refuse that apology on your own authority, acting as Captain Robertson's friend?—I asked previously if Captain Robertson was in the club, and I found he was not. Did you consider that Captain Robertson's honor was placed in your hands?—If Captain Robertson were there I should have spoken to him about it. President: But that is not an answer to the question.—Witness: Certainly not, after the conditions he had imposed on me after I had written to Captain Durant requesting an interview. Then why did you continue to act as his friend?—Having once taken a step in the matter, I did not wish to throw over an old brother officer. How many interviews had you with Captain Robertson on the 13th October, 1861?—Three, to the best of my belief. At what hours?—One in the morning after breakfast; the second about four o'clock at the club, where he left me waiting for nearly two hours; and the third I dare say between eight and nine o'clock, after dinner. You have stated before that Captain Robertson was not in the club at four o'clock when Captain Durant brought the letter of apology?—My interview with Captain Durant was at two o'clock. Had you the letter of apology at two o'clock?—I mistook the hour of the first and second interview with Captain Durant. Perhaps you would rectify the mistake?—My first interview with Captain Durant was at two o'clock, and the next was at four o'clock. At what time did Captain Robertson come?—I think between five and six o'clock. Then had you three or four interviews with Captain Robertson on the 13th October?—I had three; the mistake I made was that there was no interview between breakfast and five or six o'clock—that is, to the best of my belief. Was anything said to Captain Durant at four o'clock about sending a challenge?—No. In your former evidence you stated that the interview at which Colonel Clarke was present, along with yourself and Captain Robertson, was between the two interviews with Captain Durant. Between which interview was it that Captain Robertson spoke to you about the price of his commission being lodged?—It was between the time I had written to Captain Durant and my first interview with him. But have you not to-day told the Court that you had not seen Captain Robertson between the morning meeting, when Colonel Clarke was present, and the evening meeting, which was after your second interview with Captain Durant?—On reflection, I think there must have been four meetings; I was with Captain Robertson from the time I met him in the morning until after I had written to Captain Durant, and we went out together from the club. You state you did not consider yourself responsible for Captain Robertson's honor after the conditions he imposed upon you. What were those conditions?—They were imposed after I had written to Captain Durant; he spoke in the most disparaging way of Colonel Dickson, and said he would not meet him unless he lodged or staked the price of his commission. Did you mention this condition to Colonel Clarke in the evening when you discussed the matter?—No, I did not. Was it in a letter or conversation that Captain Durant led you to believe that Colonel Dickson would not come to any settlement of the affair until some future day?—It was in a conversation. State what took place?—Captain Durant told me that he had been back to Colonel Dickson, and that he refused to write any other letter than that he had already shown. By Captain Robertson, with permission of the Court: How soon after you had written to Captain Durant did the alleged statement as to the "lodging" or "staking" of the price of my commission take place?—Just as we had entered St. James's-square, opposite Lord Eglinton's house, immediately after we left the club. Was it on the same day on which you wrote to Captain Durant?—It was. You say you wrote that letter of the 23rd of March, 1861, after my statement, that I would have an ample apology or satisfaction. To what statement of mine do your refer?—The statement which was written in the "Hen and Chickens" at Birmingham, declaring that he was determined to have full satisfaction or an ample apology, or words to that effect, I am not sure of the exact words of it. Is that the statement which was sent to Colonel Bentinck by me?—I cannot say. Captain Robertson: I should like the Court to hand the letter to the witness. (Letter handed to witness accordingly.) Witness: That is the date I meant, sir; there is only the one statement to that effect, which is dated,

I believe, on the 20th of May. President: What question do you now want to put? Captain Robertson: Is the letter which is now handed to you the statement to which you have referred?—I can't say; I should think not; to the best of my recollection the other letter was written by Mr. Owen; I am not positive on that point. Will you look at the latter portion of this statement of the 20th of May, 1861, and say if the words there used are not those to which you have referred?—It appears so; I must have made a mistake about the period of writing that letter; it was, however, written about the time that Mr. Owen undertook the management of Captain Robertson's affair. By the Court: What did Captain Durant lead you to understand were the legal impediments between Colonel Dickson and Captain Robertson?—Captain Durant gave me to understand that Colonel Dickson was trustee to Captain Robertson's marriage settlement. President: And as such, a legal impediment to the settlement of this quarrel?—I certainly so understood it. What did Captain Durant lead you to understand were the legal impediments between Colonel Dickson and Captain Robertson; you have not told the Court that Captain Durant considered it a legal impediment?—I don't know that Captain Durant understood it to be a legal impediment; he only brought me a message from Colonel Dickson. Was the fact of being a trustee a legal impediment?—It was, I presume, the legal impediment alluded to. By the Prosecutor, with permission of the Court: How could your letter of the 23rd of March have any reference to the letter written subsequently by the prisoner on the 20th of May, wherein he talks about his having ample satisfaction?—I find that that letter must have been written immediately subsequent to Colonel Dickson spreading that report in the hunting field, and three days after the Warwick races, where I had a conversation with Captain Durant on the subject; the races were on the 20th of March, and my letter was dated on the 23rd of March. Had your letter of the 20th of May any reference to your previous letter of the 23rd of March? (Letter handed to the witness.)—Witness: They both refer to the same subject.

Colonel Dickson, late Swiss Legion, recalled by the Court, and examined on his former oath: Can you produce the letter written to you by Major Jones relative to Captain Robertson, in May, 1861; it is one of the documents which Captain Robertson sent notice to you to produce before the Court?—No, I have not got it; I may have it in London, but I certainly have not got it here; it was a mere official letter enclosing a statement from Captain Robertson, and also one from Captain Henry, asking me to send a statement, which I did. Have you a letter from Colonel Bentinck or Major Jones, asking you to appear before a Court of Inquiry?—I did receive a letter, but it was a mere official letter, asking me to appear before a Court of Inquiry. I recollect receiving a letter, signed by Major Jones, asking me to appear before a Court of Inquiry, but after consulting with Captain Durant, we decided that it was not incumbent on us, after eight months, to open up the whole thing again. If I have got the letters I will send them on my return to London. Did you ever tell Captain Durant to tell Captain Henry that you could not come to any arrangement concerning the insult and its consequences until after the settlement of some legal matters at some future day?—Never. There are no legal matters that could cause any impediment whatever, and it was only on Captain Robertson's statement, made eight months afterwards, that I heard there was such a thing: and I considered it then, as I consider it now, a wilful lie and misstatement, invented by the prisoner and his friends for the purpose of screening himself. It has been stated that you refused satisfaction to Captain Robertson until the legal impediments were decided. Were there any legal impediments?—None whatever, sir. When you refused to apologise to Captain Robertson, did Captain Henry, on Captain Robertson's behalf, demand, within reasonable time, satisfaction from you through Captain Durant?—He never did. I never had any direct message till Mr. Owen came in June—never from Captain Henry, either directly or indirectly, through Captain Durant. Then what did you mean by saying in the Army and Navy Club, on the 17th of October, 1860, "When I have settled with you legally, I will settle with you personally?"—What I meant was this, that when he had signed a release, which he might have done the next day if he chose, I would then horsewhip him, and I was ready to take the consequences; if he chose to call me out I was ready to meet him. My quarrel was of a personal nature, totally distinct from legal or military matters; it had nothing to do with legal matters at all. Were you aware till the opening of this trial that Captain Henry had a belief that you would not come to a settlement of the question of this insult until all legal business was concluded?—I never knew anything about it until I received Captain Henry's

statement, with Captain Robertson's statement, eight months after that, when found that was their plea, in May, 1861. Had he any possible grounds for entertaining this idea?—None whatever. Referring to two questions back, do you mean to say that you would have given Captain Robertson satisfaction for the insults offered to him at the club, had it been demanded of you at once?—Of course; I waited four or five days in London, and I heard nothing more of it. I met Captain Robertson twice afterwards during these four or five days, when he might have spoken to me if he choose; I met him once in Regent-street, and once in my own club. Why did you object to receive Mr. Owen as an envoy; was it simply because it was eight months after the affair?—That was one reason, and there was a private reason, as I have already stated, which, being of a delicate nature, I would rather decline stating; and also I did not consider, from his youth and inexperience, that he was of sufficient standing for me to enter into any communication with him, independent of private reasons; I acted in this matter altogether by my friend Captain Durant's advice. By Captain Robertson, with permission of the Court: When you said that I and my friends invented a statement that was "a wilful lie and misstatement," why did you attribute it to me in connection with my friends?—Because you signed the statement in which the false statement was. Was it because the quarrel between you and me was a personal matter, totally unconnected with legal matters, that you postponed horsewhipping me until the "release" was executed?—I could not well horsewhip him in the club, and if he came up to me in the same way in the street, I should have knocked him down; my quarrel with him arose from circumstances long prior to October, 1860.

Cornet Farquhar recalled by the Court, and questioned on his former oath: Will you say where it was you were asked to sign the "round robin"?—At Newbridge. When you could connect it with a date, perhaps? When did you arrive at Newbridge?—I am not quite sure. Were head-quarters in Newbridge then?—At Dublin. Do you know how the Commanding Officer and the Adjutant happened to be in the orderly room at Newbridge and the head-quarters at Dublin?—They came down to make an inspection at Newbridge.

Colonel Bentinck recalled by the court: Do you remember Cornet Farquhar coming into the orderly room at Newbridge, on the occasion of your being there to make an inspection, in September last?—No, sir. Did you see him come into the orderly room at any time at Newbridge?—I don't remember him, sir; I don't think I had occasion to send for him; I don't think I saw him. By the Prisoner, with permission of the court: You said you had a conversation with Colonel Forster respecting a document reflecting on my character; can you state when that conversation took place?—In August. Did you ask Colonel Forster if he would sign that document?—No. State what was the conversation between Colonel Forster and you on the subject of that document?—I quite forget what it was. I told Colonel Forster that I had received that document; that is all I am aware I said to him. By the court: Do you know whether Colonel Forster signed that document?—I don't know. Do you know whether that document, the "round robin," was at Newbridge in September, 1861?—I don't know. Did you see it after your arrival in Ireland?—Yes, sir. On or about what date?—It was in my possession in October. Did you then read the signatures attached to it?—No, I did not. At or about what date did you give it to Adjutant Harran?—About the 8th or 9th of October. Do you know if Adjutant Harran asked Cornet Farquhar to sign that document?—No, I do not. Did the accusations in the "round robin" against Captain Robertson refer in any way to the occurrence between him and Captain Webb, or between him and Lieutenant Rintoul?—I do not think they did. Did you ever give directions to Adjutant Harran to obtain signatures to the document?—No. Do you know whether he endeavoured to get signatures to it?—I am not aware of it. Did the accusations in that document refer to the affair between Colonel Dickson and Captain Robertson?—To the best of my belief they did. Were there any other accusations, and if so, what were they?—I think it also related to his want of truthfulness; that his assertions on most occasions were doubted. Captain Robertson, with permission: Did that document remain in your possession from the month of July or Aug. until Oct. 1861?—No. When did you get it upon the second occasion?—About the 2d or 3d of Oct. From whom did you then receive it?—From the Adjutant. For what purpose was it given to you upon the 2nd occasion?—Because I wanted it, because I asked for it to state the reasons why you asked for it?—I wished to show it to the deputy adjutant-general, in support of the statement I had made to him previously, relative to Captain Robertson. Did you show it to the deputy adjutant-general?—I did. Was this after I had sent in my papers on the 1st of October, 1861?—It was. Why did you

not get it to show it to him before the interview of the 1st of October, 1861?—Because it was not the object to show it to the deputy adjutant-general; as far as I remember, it was intended to be addressed to the inspector-general of cavalry, and I did not think myself justified in showing it. Why did you consider yourself justified in showing it after the 1st of October, when you did not consider yourself justified in doing so before that day?—To substantiate the statement I had previously made to the deputy adjutant-general relative to the prisoner. To whom did you return it on the present occasion?—To the adjutant. President: Did you not tell us the other day that the inspector-general of cavalry did not receive the confidential reports, and that was the reason you did not report Captain Robertson's conduct to him at his inspection on the 23rd of September?—Yes, sir. President: Now, you tell us you did not show it to Colonel Brownrigg till the 1st of October, because it was intended for the inspector-general, surely that is a contradiction?—No, sir; the inspector-general of cavalry only looked at the regiment, and did not receive the confidential reports, if he had I would have submitted it to him; it ought to have gone to General Keye; Captain Robertson's case was, I may say, decided previous to the inspection by Brigadier-General Keye. President: You thought yourself necessitated to keep it till the inspection?—I considered, as far as that document was concerned, that it was cancelled on account of Captain Robertson having sent in his resignation on the 1st of October. President: Captain Robertson, in your defence you have alluded to Colonel Dickson's refusing to give you any satisfaction, and Colonel Dickson's refusal was conveyed through Captain Durant, would it not be well to get Captain Durant's evidence? Captain Robertson: I know nothing whatever about what occurred between Colonel Dickson and Captain Durant; I only know what I was told by Captain Henry. The court then adjourned to Thursday morning following.

SIXTEENTH DAY.—THURSDAY, MARCH 6TH.

President: Captain Robertson, the Court have received a letter from one of the witnesses, who wishes to correct part of his evidence, and, therefore, we will take his correction before we hear your reply.

Riding-Master, George Price, 4th Dragoon Guards, then stated to the Court: I mentioned in my former evidence that I had never seen but two officers riding with a back-board—Captain Robertson and Cornet Childe. I recollected afterwards that I had seen Cornet Tait ride with a back-board about the same time. I wish also to mention, sir, that I wished to make this further correction in my evidence on Monday last, but Colonel Bentinck ordered me back to Newbridge. President: Who ordered Cornet Tait to ride with a back-board?—Colonel Bentinck. How long had Cornet Tait been in the regiment when you saw him ride with a back-board?—Five or six months; he had not been riding all that time, as he had been on the sick list. Did you recommend that he should ride with a back-board?—No, sir. Did you, as Riding-Master of the regiment, consider it necessary that he should ride with a back-board?—No, sir. Did Cornet Tait ride with a back-board when he first joined the regiment?—No, sir. Can you give any reason why you think it was in July or August that you saw Captain Robertson ride with a back-board, and not in the beginning of the year?—It was shortly before the general inspection of cavalry by Inspector-General Lawrenson, and also, Captain Robertson was ordered to ride twice a day on that occasion—about an hour with the troops before his own ride—and I also know that it was after Colonel Dickson's affair was made known in the regiment. When was the Inspector-General of Cavalry expected at Birmingham?—I think it was some time in August; I don't remember the date, but I know it was shortly before we left Birmingham. Can you recollect the time from the state of the weather at all?—Yes, I know it was very warm—hot weather. What makes you remember that it was hot weather?—I remember Captain Robertson perspiring very much in riding, and speaking to me about it afterwards. Can you name any officer or non-commissioned officer who could give the Court information in regard to the date of this riding with the back-board?—The regimental sergeant-major told me he remembered very well that it was in July or August, and also the rough-riding sergeant-major. At what time did they tell you that?—They told me so yesterday; they told me so before, but I asked them again yesterday. You stated in your evidence the other day that you knew that Captain Robertson rode about the month of July or August by your sergeant-major being away at that time; was

your sergeant-major away at any other time?—He was away in the winter and early in the spring; I was away myself three months, drilling officers at Coventry—part of May, and up to the 5th or 6th of June; I know it was after I returned from Coventry that the back-board was used. President: You stated in your note that you were ordered back to Newbridge on Monday last. I wish to ask you did you attend on Monday last with a view to apply to the Court for permission to correct your evidence?—Yes. Were you ordered away from the Court?—I was, sir; I was ordered away from the barrack yard, at the bottom of the stairs. Of the building that the Court sits in?—Yes, sir. By whom were you ordered away, and state what occurred?—I was ordered away by Colonel Bentinck; he told me that I should not be wanted that day. I asked him should I be wanted the next day, and he said he did not know; he then ordered me back to Newbridge by the next train. Will you have the kindness to state the words that were used?—After I asked him should I be wanted the next day, he said, “I don’t know; go back by the next train, which leaves at twelve o’clock;” it was then twenty-five minutes to twelve. How did the conversation begin; state what occurred?—The Colonel and two other officers were standing at the door below. I saluted him and said “Good morning, sir.” He made no answer. I spoke to Mr. Childs, and while speaking to him the Colonel spoke to me, and told me that I should not be wanted. Was there any duty to require your presence at Newbridge on that day?—No, sir. Was his manner towards you on that occasion different from what it had previously been?—It was, sir. In what did it differ?—He spoke stern and loud, and in a harsh way, such as he did not use the day before. Did you then inform Colonel Bentinck that you were in attendance to correct your evidence?—I did not, sir; I obeyed his orders. Are there any young horses or recruits at Newbridge?—There are. Would they require your presence there after two o’clock on that day?—No, sir. Previous to this occasion, was Colonel Bentinck’s manner friendly towards you?—Yes, sir. Has Colonel Bentinck spoken to you at any time in regard to the evidence you were to give? Witness: Must I answer that question? President: You must answer it unless it is to criminate yourself. Witness: Yes, I have had a conversation with Colonel Bentinck. What passed on that occasion?—He said to me, “I suppose you have come up about this back-board affair.”

The court was then cleared, and was re-opened after a long deliberation. On the witness taking his position, the President said: You were stopped in the middle of your answer, and before you go further the Court wish you to know that any jocular remark they do not want to hear. What passed on that occasion?—Witness: I said, “I suppose I have; I don’t know what I have come up for.” He then said, “You must not fix any date, as I want you to help me through this back-board affair.” I said I believed it was in July or August, but that I could not fix the date exactly. He then said, “Oh, no, it was in April,” and he then walked away; that is all I remember of the conversation. When and where did this conversation take place?—In this barrack-square, on the Saturday after the defence closed. Was any one present on this occasion?—Yes, the Adjutant was near, but I don’t know whether he heard the conversation or not. If you thought it was necessary for you to correct your evidence, why did you not tell Colonel Bentinck that you wanted to correct it when he ordered you back to Newbridge?—He gave me the order to return to Newbridge at once, and I did so; I thought I should have the opportunity of correcting my evidence another day. Was Colonel Bentinck laughing at the time he said this about the back-board?—Yes, he was laughing. Did you consider he meant what he said as a joke?—No, sir, I don’t think it was a joke. Did you consider it was a joke?—No, I did not. Did you understand, on Saturday last, that you would not be required by the Court any more?—No, sir; the order was, that I was to attend from day to day until I was dismissed. Can you produce the order?—I have not got it here. There was a memorandum sent down and forwarded to all the officers at Newbridge. Should you have attended the court on Monday if you had not wished to correct your evidence?—Yes. Have you then been attending this court every day it has been sitting since you first received your summons?—I have. Does Colonel Bentinck ever joke and display any difference in his manner when he does joke from when he is in earnest?—Yes, he jokes occasionally. What was your impression as to the meaning of what he said to you?—I was under the impression that he wished me to say the same date as he had put down—that he wished me to alter my opinion about it. What do you mean by altering your opinion?—I had told him that it was in July or August, and I fancied he wished to impress on me that it was in April. Do you mean to say that he wished you to state what you knew was not correct?—I don’t suppose he wished me to do so. He

said it was in April, and I said it was in July or August. Do you mean to say it was your impression that he wished you to state what you knew was not correct?—It was my impression that he wished me to say it was in April—to make me understand that it was in April. Do you mean to state that Colonel Bentinck wished you to give false testimony before the Court?—No, sir. The Colonel said to me it was in April; I said no, it was in July or August; he had said before to me that I must not fix a date. Why did you state in your evidence that the back-board was used after the affair between Colonel Dickson and Captain Robertson was known?—I remember it had been spoken of at that time in the regiment, and Captain Robertson had been put to ride with the recruits at the time, to put, as it were, pressure upon him. There is a great difference between a witness endeavouring to remind another of a fact, and asking him to alter his opinion. Which do you mean Colonel Bentinck did?—He did not ask me to alter my opinion, but he told me before that it was in April, and I said I thought it was in July or August; he said before that I must not fix a date. You stated your opinion that Captain Robertson had to ride with a back-board on account of Colonel Dickson's affair; what was your opinion about Mr. Childe having to ride with a back-board?—Mr. Childe had to ride in the same ride with Captain Robertson, and the Colonel ordered a back-board to be put on him on the same day, but I don't know why he did so; Mr. Tait was not in the same ride; he was riding with the recruits, not having been dismissed from his drill; the Colonel one day found fault with him, and ordered him to have a back-board on. Did you at that time think that Mr. Childe would have had a back-board on if Captain Robertson had not been ordered it?—No, I think he would not. Did Colonel Bentinck tell you not to fix any date for Captain Robertson's riding with a back-board?—He did, sir. Do you mean to imply that Mr. Childe had on a back-board on account of the Dickson affair?—No, sir. Is it common in the army to make other officers do disagreeable things, in order to save the feelings of seniors?—I can't say; I don't know. You have said that the rough-riding Serjeant-Major was away when the matter took place, and that he could give evidence when it took place—how do you reconcile these two statements?—He told me he knew it was when he was away, because he heard of it when he came back from Coventry, from the rough-rider telling him that he should have a back-board in the riding school on all occasions when the officers were riding. Why did you not tell Colonel Bentinck the reason you presented yourself to the Court?—I came down in the usual way as I had attended every day, and I intended when I came down to apply to the Court to correct my evidence, and when Colonel Bentinck told me I would not be wanted, I went away. When the colonel ordered you away, why did you not tell him?—I did not think of it at the moment, and the time was very short; I thought I could do it another day. Did you intimate then to the Deputy Judge-Advocate, or to the President, that you wished to correct your evidence on Monday last?—No. If not, why not?—I had no opportunity; the moment I arrived here I was ordered back. Did Colonel Bentinck tell you that you were not wanted on that day, or not at all?—He told me that I was not wanted that day. President: It is a pity you did not inform Colonel Bentinck that you were in attendance on the Court; if you had told Colonel Bentinck that you were in attendance on the Court, perhaps he would not have ordered you away. Witness: He knew I was in attendance on the Court; he knew I was in attendance here from day to day; he saw me here every day. President: If you had told him that you wished to correct your evidence, perhaps he would not have ordered you away. Witness: Perhaps not, sir. President: Do you mean to say that Colonel Bentinck tried to prevent you from correcting your evidence?—Witness: No, I cannot say that; for the Colonel did not know that I wished to correct it. President: It is a pity you did not say that you wished to correct it at the time.

By the Prosecutor, with permission of the court: Had Captain Robertson been on the dismounted list for some time before he rode with the recruits?—He had been on the dismounted list, I know, for three or four days on several occasions, and I think one of the times was about this time; he got leave from Major Jones to be excused from riding on account of rheumatism in his back. Was it an exclusively officer's ride when the prisoner rode with a back-board?—Yes; the regimental serjeant-major being in the habit of riding in the officer's ride, that day he was told particularly not to ride, and for some days after, and that was the reason he remembered the date. Were you ordered up here on Saturday, Sunday, or Monday, or did you come up of your own accord?—Every day I came up I came on the order I received in the first instance, to attend here from day to day until dismissed; I never received an order from the colonel, except to go back the other day. Were

you order up by the adjutant on Sunday or Monday morning?—On Monday morning I got a memorandum to come up by the first train and bring the rough-riding Sergeant-Major Costello along with me, and report to the adjutant when I arrived. Have you had any conversation with the prisoner, or his advisers, as to the evidence you were to give before this court?—I have had none with the prisoner. Mr. Tandy spoke to me, and asked me what evidence I had to give with regard to the date of the back-board. I told him it was in July or August, and that is all the conversation I had with him. When did that conversation take place?—Some time since the defence closed, the first week, it is quite a week ago, or more. Were you with the prisoner during the time the court has been cleared?—Never until to-day, when he told me that he had received a letter from Colonel Hodge; that is all the conversation we had; we met at the top of the stairs; he told me something about the contents of the letter, but I don't think it concerns the court. Did you speak to the prisoner as you were coming to the court to-day, and if so, what passed?—No; I spoke to him when the court was cleared. That is not the question. Did you speak to him when coming to the court?—No.

The President then read Mr. Price's letter, dated Newbridge, 5th March, 1862, informing the court of the mistake he had made in his evidence, and also that he had been ordered back to Newbridge on Monday, by Colonel Bentinck.

The court was then cleared, and on its being again declared open, the President said: Colonel Brownrigg, I propose to make public a statement which I have made to the Court themselves. It is, that on Tuesday last, having taken advantage of the adjournment of the Court, as the prisoner required it to make his reply, I went out hunting. The hounds met at Newbridge, and in the course of the day I found myself alongside the gentleman whom I recognize as Mr. Price. I spoke to him about the system of equitation, bits and bridoons, &c. He mentioned in the course of conversation that he had been up in Dublin on the previous day, but that he had been able to remain there only half an hour, having been ordered back by Colonel Bentinck; and he gave me the impression that he was ordered back so as not to give evidence before the Court. At this time he did not recognize me, but he did afterwards. I told him he must recollect that I was the President of the Court-martial, and that I could not pass that over. He begged of me not to take notice of it, and stated that he did not wish to say anything in reference to his commanding officer. On coming up to Dublin I thought the matter was so very serious that I would not mention it without seeing Mr. Price again, in order to be sure that there was no mistake. I ordered him to come up to Dublin, and I may mention that I was much inclined to overlook this, but he having repeated to me what occurred in the hunting field, I felt that I could not look over it. He then said something of writing me a letter, which I quite approved of, instead of my forcing him to come forward, and this morning the Judge-Advocate received the letter. The Court knew that, but you did not, Colonel Brownrigg, know how Mr. Price was forced by me to come forward.

Colonel Brownrigg: I am obliged to the Court, for making that statement to me, sir, but that is not the way Colonel Bentinck will explain the conversation; there were other officers present at the time who will explain it. President: I hope so, but this is in the hands of the Court. Colonel Brownrigg: Yes, but it is perfectly impossible for me to perform my duty without referring to it, as new matter has been introduced.

By the prosecutor: Did the prisoner say anything to you as you were coming into court?—Witness: He said something to me which I did not catch; he said something but I did not reply.

Colonel Bentinck was then recalled and examined by the Court. President: A statement has been made to the Court of a very serious nature—that is, that you ordered away from attendance on the court, on Monday last, a witness who had been ordered to attend—Mr. Price, ridingmaster of your regiment; and also, that on a previous occasion you had suggested to him that he should not fix the date of Captain Robertson's riding with a back-board. These statements are of so serious a nature that the Court wishes to give you an opportunity of explaining. Did you order Mr. Price to return to Newbridge on Monday last; if so, state what occurred on that occasion?—Colonel Bentinck: I did, sir. On Saturday afternoon, or Sunday morning, the prosecutor intimated to me that he should like to see Mr. Price, and also his rough-riding sergeant-major, and requested me that I would order them to attend on Monday morning from Newbridge. I directed the adjutant to order them to come up by the first train; upon seeing the prosecutor on Monday morning, he told me he would not require to see them; consequently, at the time of my seeing

Mr. Price, about half-past eleven, I told him that we should not require him, and that he might return to Newbridge by the twelve o'clock train, quite forgetting at the time that he was subpoenaed for the defence, or I should not have done so; and knowing that there was a good deal of work for him at Newbridge which would require his attendance. I beg leave to state that the order I gave him took place in the presence of two or three of the officers—Lieutenant Wright, Mr. Childe, and I think Mr. Harran, but I am not quite sure. Were you aware that Mr. Price had been ordered to attend the court from day to day?—I was, sir. Then why did you order him away from the court, contrary to the summons he had received?—I quite forgot that he was subpoenaed for the defence, otherwise I would not have done it. You knew he was ordered to attend from day to day?—Not at that time, I had quite forgotten it; I was not aware of it at the time; I had quite forgotten it, or I should not have ordered him back. Have all the officers subpoenaed attended court every day and all day?—I think so; to the best of my opinion they have. What was the great deal of work for him at Newbridge that you have alluded to?—He had his riding duties to look after, and especially his sergeant-major being away at the same time. Was the sergeant-major ordered back at the same time?—I don't think he was, sir; I had not seen him; I never saw the sergeant-major that day. At what hour commenced the duty that Mr. Price was ordered back to attend?—I should think his duty would be about two o'clock; there would be young horses to break, and the troop, I have no doubt, to look after. Are the young horses and recruits at Newbridge or at Dublin?—At Newbridge. Are the young horses particularly under the care of the riding-master, or is he in any way responsible for them all day?—He is responsible for everything that takes place in the riding school; all connected with equitation is under his personal instruction. Have you had any conversation with Mr. Price relative to the date of the back-board being put on Captain Robertson?—About a week ago I saw Mr. Price; I met him in the yard, and said—“Hallo, Price, what are you waiting for?” He said he did not know; I said, “Well, I suppose about this back-board business.” I asked him if he knew when it took place; he told me he did not know; he could not say for certain, but the only thing that gave him any idea of when it took place was, that it was when his sergeant-major was away in Coventry. I said to him, “Whatever you state, state the truth,” and that is all the conversation I had with him. Did you tell Mr. Price that it took place in April?—I don't think I did, sir; I might have done so, but I don't think I did; I don't remember it. Did you tell him that it did not take place in July or August?—No. Did you, at any time, tell Mr. Price not to fix the date when Captain Robertson rode with a back-board?—No, sir. Have you lately had reason to be dissatisfied with Mr. Price as to his duties, or in any other case?—No, sir. Do you know when the rough-riding sergeant-major was away?—He was away in April, and away in June and July; he was away on two occasions. Was any one present when the conversation between you and Mr. Price took place?—I think the adjutant was; I am not certain.

By the prisoner, with permission of the Court: was there any mention of the months of July or August in the course of the conversation between you and Mr. Price?—I don't think there was.

Lieutenant Robert Wright, 4th Dragoon Guards, sworn and examined by the Court: Were you present on Monday last, about half-past eleven o'clock, when Colonel Bentinck ordered Mr. Price to return to Newbridge, and if so, state what passed?—I was; Colonel Bentinck told Mr. Price he did not think he would be required on that day, and that if he liked he could go back by the first train. Mr. Price said—“Don't you think I shall be wanted?” and Colonel Bentinck said, “No, I don't think you will to-day,” as near as I can remember, “You can do so if you like.” Then was the return of Mr. Price left optional with him?—Well, he received no order then to return. Did Mr. Price then go away?—He left the yard then. Are you sure you heard Colonel Bentinck use the words, “If you like”?—Yes, I did; I am sure. Was Colonel Bentinck's manner to Mr. Price, when he spoke to him on Monday, and ordered him back to Newbridge, harsh?—No.

Coronet Childe sworn and examined by the court: Were you present on Monday last when Colonel Bentinck ordered Mr. Price to return to Newbridge, and if so, state what passed?—I was, sir. As far as I can recollect, Colonel Bentinck told Mr. Price that he would not be required, and Mr. Price asked him if he thought so; he said yes, and that he thought he could go back to Newbridge by the next train. Was it a permission or an order?—It was certainly a permission. I took it as such. What was Colonel Bentinck's manner towards Mr. Price; was it his usual manner, or did he speak roughly to him?—His usual manner. Did he speak

roughly to him?—No, his usual manner; I did not notice anything unusual. Did you hear Colonel Bentinck make use of the words, "Do as you like?"—No, I did not hear them; he may have used them, but I was not paying any very great attention. How far off were you?—I was about three or four yards off.

Lieutenant-Adjutant Harran sworn and examined by the Court: Were you present on Monday last when Colonel Bentinck ordered Mr. Price back to Newbridge; if so, state what passed?—I was, sir. In the first place I met Mr. Price coming with his sergeant-major towards Colonel Bentinck, and I said, "Good morning, Price; we won't want you now; you may go back in the first train, if you like." Mr. Price's sergeant-major, who was with him, asked Mr. Price, in an under tone, if he could stay, and I said, "Oh yes, certainly." During this time Mr. Price was coming towards Colonel Bentinck, and Colonel Bentinck cried out, "Hallo, Price, you can go back as soon as you like; we won't want you now," or something to that effect, in an off-hand manner. Did Colonel Bentinck hear what passed about the sergeant-major?—No, sir; he could not have heard it possibly. Could Colonel Bentinck have known that the sergeant-major had leave to remain in Dublin?—I took upon myself to give him that, and he could not have known. Were you aware that Mr. Price had been ordered to attend the court from day to day?—I was aware he was in attendance, but I thought his presence was dispensed with after Saturday, as I heard the defence had closed then, and I expected that all those people from Newbridge would have gone back. Did any order come to that effect?—No, but I expected it. I sent a special order for Mr. Price to come up on Monday, as I did not expect he would come up otherwise. Did you order Mr. Price and his sergeant-major to come up on Monday last, and if so, state why? Yes, I did order them to come up, to question them about Mr. Price's evidence; I wanted to show Mr. Price that he had made a mistake, and to give him an opportunity of correcting it, before I went before the Court to prove that he had done so, which I can do in the most conclusive manner by the regimental order-book and other documents; Colonel Bentinck told me it would be better not to speak to Mr. Price about it, "or, by Jove," he said. "they will say you have been tampering with the witnesses." Why did you order up Mr. Price?—Because in a conversation I had with Mr. Price, he said his sergeant-major knew all about it; he is an old friend of mine, and I did not want him to make a mistake, without giving him an opportunity of correcting it.

SEVENTEENTH DAY.—FRIDAY, MARCH 7TH.

On the reassembling of the court, Lieutenant-Adjutant Harran was recalled, and his examination continued by the court. Did you speak to the sergeant-major about the date of the back-board?—No, sir. If you had sent for him for that purpose why did you not speak to him about it?—Because Colonel Bentinck said it was better not, as I have before stated. Do you not usually ascertain from a witness whether he has some knowledge of the subject on which he is to give evidence?—Yes, in ordinary cases, where a private soldier is concerned, or anything of the sort. Then why would there have been any impropriety in ascertaining whether the sergeant-major could speak as to the date it question?—I was acting under Colonel Bentinck's instructions and under Colonel Brownrigg's instructions. President: You intend that to apply to all your former answers?—Yes, sir. Were you present about a week ago when Colonel Bentinck spoke to Mr. Price about the back-board?—I have been present on two or three occasions, but with regard to the particular occasion you will, perhaps, be kind enough to read me Colonel Bentinck's evidence on the subject. President: On the Saturday before last?—Witness: I am not certain of the day, sir; the first day that Colonel Bentinck met Mr. Price, he was speaking to him. Were you present about a week ago when Colonel Bentinck spoke to Mr. Price, on the Saturday before last, about the back-board, in the barrack-yard?—I am not certain of the day; but about a week or ten days ago. State what has passed upon any other occasions than that which you have alluded to to-day?—"Well, Price, when do you say this back-board business was? Harran is very positive about it," or something to that effect; Mr. Price replied: "Oh, I won't swear to dates at all, sir;" Colonel Bentinck then said, "All right, all right;" on other occasions he spoke in the same sort of way, always in a joking manner; there was nothing serious in it. Is it your opinion that Colonel Bentinck was trying to influence Mr. Price as to the evidence he was to give before the court?—Oh, certainly not; not in the slightest degree. Captain Robertson: Have you read the

evidence given by Colonel Bentinck and Mr. Price, or either of them, yesterday?—Yes, I read it all in the newspapers. State what passed?—Colonel Bentinck saw Mr. Price in the yard, and said, “Well, Price, what brings you here;” Mr. Price answered, “I do not know, I am sure, sir;” Colonel Bentinck then said, “I suppose it is about this back-board business—do you know when it was?” Mr. Price said, “I cannot swear to dates at all;” I then said, “I think I can show you Price if you come to the orderly-room, that it was in April;” and Mr. Price said, “I do not think you can,” or something to that effect; Colonel Bentinck then said, “Never mind, Price, stick to your own opinion; stick to your own opinion;” this was all in a joking conversation, and that is the substance of it as near as I can recollect. How far were you from Colonel Bentinck at this time?—Perhaps a yard; I was moving about during the time; we were moving about, laughing, and that sort of thing. You said it was a joking conversation. What was the joke about?—Simply about what Mr. Price came up about; Colonel Bentinck was chaffing him about it; we were walking about in the barrack yard. Did Mr. Price say he thought the date was in July or August?—I think not. Did he say he thought it was later than April?—I don’t think he used those precise words, but from his manner I inferred that he meant so. Did Colonel Bentinck say to Mr. Price, “Don’t fix any date;” or words to that effect?—I think not; I don’t recollect; I don’t think he did. Did Colonel Bentinck say he wanted Mr. Price “to help him about the date,” or words to that effect?—No, he did not; I am certain he did not. How often did you hear Colonel Bentinck speak to Mr. Price about the backboard?—I don’t know how often he spoke to him; he often met him in the barrack yard and said—“Well, Price, how about the back-board?” Have you had a conversation with Mr. Wright, Mr. Childe, or Colonel Bentinck as to what occurred with Mr. Price on Monday last?—Yes, I have. Where did the conversation between Mr. Price, the serjeant-major, and you take place?—In the Royal-square; that between Mr. Price and Colonel Bentinck took place in the Palatine-square. Had you any conversation afterwards with the serjeant-major about the back-board affair?—No. Did Colonel Bentinck and Colonel Brownrigg, or either of them, tell you for what purpose the serjeant-major was required on Monday last?—I suggested it to them; we were all there together at the time.

The court was here cleared. On resuming, after a short interval, the following question was put by the prisoner: How near were you to Colonel Bentinck when the conversation between him and Mr. Price took place?—I do not know: I cannot answer. President: The answer does not satisfy me. Can you not make an approximation?—Witness: About two or three yards.

On his own application Colonel Brownrigg was allowed to offer himself as a witness, to make a statement respecting the circumstances attending the presence of Riding-Master Price on Monday last. He said: On Monday last, or on whatever day Mr. Price was examined, after the Court had closed its proceedings for the day, I had some conversation with Colonel Bentinck and Adjutant Harran relative to that part of Mr. Price’s evidence, in which he fixed the date of the prisoner’s riding with the back-board as being in July or August, by the absence of his rough-riding serjeant-major; at that conversation, such conclusive proof was brought before me that the ride in question must have been early in April, and at no other time. Captain Robertson: Is this a fair way of giving evidence? President: It is doubtful, Colonel Brownrigg, that you are exceeding the limits. Confine yourself to what is within your knowledge, if you please. Colonel Brownrigg: I agreed to the suggestion of the adjutant that Mr. Price should attend on Monday, to give an opportunity of correcting his evidence, if he chose to do so; I also agreed to the suggestion that the rough-riding serjeant-major should come up; I was at the time under the impression that the prisoner had stated that he had only his troop serjeant-major to call to give evidence to complete the defence, and that the riding-master would not attend. On reflecting over the matter, I thought it so advisable that nothing should occur which could be tortured into my influencing the witnesses for the defence, that I told Colonel Bentinck that I wished to have nothing to say either to the riding-master or the serjeant-major, and am now very glad I came to that conclusion on Colonel Bentinck’s account. President: Was the rough-riding serjeant-major a witness for the defence? Not that I know of. Then why should your speaking to him give rise to the idea of your tampering with witnesses for the defence?—It was in consequence of a statement I was under the impression the riding-master made in his evidence that the rough-riding serjeant-major would have some knowledge of the date at which they first rode with the back-board. President: Why should that make him a witness

for the defence; he might have given evidence for the prosecution. Colonel Brownrigg: I did not want him as evidence for the prosecution. It appeared to me that the riding-master having mentioned his name he would be produced to corroborate him. It was in consequence of that that I did not wish to have anything to say to the sergeant-major. Captain Robertson, with the permission of the Court: Was the allusion to the sergeant-major only made on yesterday by Mr. Price?—My impression is that it was in his evidence in chief; but, as I said before, it was at the suggestion of either the adjutant or Colonel Bentinck that I acquiesced in the rough-riding sergeant-major coming up; I did not myself care much about it; the riding-master, in his first day's evidence, certainly alluded to his rough-riding sergeant-major, and, I think, in reply to a question from myself.

Captain Robertson: General Gordon, I understand Major Jones was present on Monday last, when this conversation between Colonel Bentinck and Mr. Price took place; might I ask the Court to put some questions to Major Jones on the subject?

The court was then cleared, and on its opening, Major Jones was recalled and examined by the prisoner as follows:—Were you present at a conversation between Colonel Bentinck and Mr. Price, on Monday last?—I was within a few yards; I saw Mr. Price approaching across the yard towards where Colonel Bentinck and I were standing; Mr. Price touched his cap, and I think he said, "good morning;" I heard Colonel Bentinck tell him that he would not be wanted here, and to go down to Newbridge by the twelve o'clock train; I was talking to Mr. Price about it this morning in the train coming up, and reading the newspapers; I said I happened to hear the Colonel say so to him, and he drew me out on the subject, and asked me would I come forward to corroborate his evidence if I was called upon; I replied that I would, of course, if I was called. Was it an order which was given by Colonel Bentinck to Mr. Price to return by the next train, or did he leave it optional with Mr. Price?—Colonel Bentinck spoke in rather a loud tone, and I conceived it to be nothing but an order. Did you see Adjutant Harran on that occasion?—I have no recollection of seeing him with the party I have mentioned; I recollect seeing Mr. Childe and Mr. Wright. By the Court: Should you have heard the words "Do as you like," or words to that effect, had they been made use of by Colonel Bentinck?—Colonel Bentinck might have spoken them in a lower tone of voice than that I heard; that I cannot speak for, as there were a few yards between us. Did Colonel Bentinck generally speak in a loud tone?—His tone of voice is, I think, generally loud. Did you see Adjutant Harran soon after this?—I have no recollection. Could he have been present at the conversation without you seeing him?—It is quite possible he might, as he is a man of much smaller stature than any of those I have named; he might have been seen behind them without me noticing him. At what part of the barrack-square did this take place?—Immediately in front of the door of this house. State how far in front of it was it on the pavement?—A few yards in front of the pavement, out in the yard. I was standing close beside the pavement. At what time?—It was about half-past eleven, just as Mr. Price was coming across the yard. I won't be particular as to the exact time. Are you sure Adjutant Harran did not come up with Mr. Price?—I think not. I think Mr. Price walked across the yard with Mr. Corbett only. Was the rough-riding sergeant-major with him?—I have no recollection of seeing the rough-riding sergeant-major with him.

Captain Robertson here stated to the President that Mr. Price wished to be called to give testimony as to Adjutant Harran's presence on the occasion of the interview between Mr. Price and Colonel Bentinck. President: And do you wish it?—Certainly, I do. Colonel Brownrigg protested against Mr. Price being recalled.

The President said the question of Adjutant Harran's presence was a very important point, and the Court would allow him to be recalled. Colonel Brownrigg's protest was recorded.

Riding-Master Price, 4th Dragoon Guards, was then recalled, and examined by Captain Robertson. Was Adjutant Harran present at the conversation between you and Colonel Bentinck on Monday last?—Not when the Colonel ordered me home, he was not; there was no one present but Mr. Childe and Mr. Wright, and Major Jones a short distance off. By the Court: How do you know he was not present?—Because if he was present I must have seen him; there were no other officers present but those I have named; he could not be there without me seeing him. How do you reconcile this with your answer yesterday that the Adjutant was present but that you did not know whether he heard the conversation or not?—

That was a different thing; Lieutenant Harran was present when Colonel Bentinck spoke to me about fixing the date of the backboard affair; he was not present when the Colonel ordered me back to Newbridge. The two affairs appeared to have got mixed, but they are quite different. The one took place about a week ago, the Saturday after Captain Robertson was put on his defence, the other on Monday last. Could he have been concealed from your view by any of the officers?—No. How many officers were present altogether?—Colonel Bentinck, Mr. Wright, and Mr. Childe, and Major Jones standing a few yards off—all within a few yards of each other. Had you seen Colonel Bentinck on the Monday morning previous to the interview you have described?—No. Did Adjutant Harran walk with you from the Royal Barrack-yard square on Monday?—He did not, sir; he met me in the Royal Barrack-yard square with the Sergeant-Major; he told me and the Sergeant-Major he thought we should not be wanted; the Sergeant-Major said something about going down town, and the Adjutant told him he might go; I asked him if I might return then, and he said I might do so if I liked; I did not wish to return, and walked over to the Palatine square, and the Adjutant went in the opposite direction. Did you see him go in the opposite direction?—Yes, sir; when he left me he went to speak to some other person. Who did Adjutant Harran go to speak to?—I don't know who the person was; I did not observe. How long was he in your view after he turned to go in the opposite direction?—I did not see him after he turned to go in the opposite direction; I walked over here; I never saw him that day afterwards. Could he have followed closely, and have seen what passed between Colonel Bentinck and you?—No, sir, he could not have been then in this yard at all; when Colonel Bentinck spoke to me I was standing a little way out in the yard, and must have seen him if he had been there. How do you know Mr. Harran was not behind you, and heard the conversation between you and the Colonel?—I must have seen him; I turned round, after speaking to Colonel Bentinck, towards the Quartermaster's quarters. Was the Rough-riding Sergeant-Major present when you parted with the Adjutant?—We all parted at the same time.

The Court was then cleared, and on its again being declared open Lieutenant-Adjutant Harran was recalled and examined by the Court. The witness's answer of the previous day having been read over by the Judge-Advocate, in reference to the conversation between Colonel Bentinck and Mr. Price, President: Is that statement correct?—No, sir; I can explain that. After the first part, which related to Mr. Price and the Sergeant-major, you then, sir, made some remarks about me not answering the question, and I then, at once, went into the conversation between Colonel Bentinck and Mr. Price. I saw this morning that they gave a false impression as regards the time. The first conversation took place in the Royal square, and when you said I was not answering the question, I went immediately to the conversation between Colonel Bentinck and Mr. Price. I saw this morning that that gave a false impression as regards the time. The first conversation took place in the Royal square, and when you said I was not answering the question, I alluded to the conversation between Colonel Bentinck and Mr. Price in this square. President: But is that answer correct as to what took place between Colonel Bentinck and Mr. Price in this square?—Yes, sir; I did not see Mr. Price at all, but I know he was talking to Colonel Bentinck; I was in the passage; I was not one of the group; I was walking in and out of the passage of this building, and I did not see Mr. Price when I heard the conversation; I had been standing with the group, but not then. How long had you been walking about the passage before you heard this conversation?—Not a minute, sir, because I had just come over—I had just run over from the other square. Did you speak to anybody in the Royal square after parting with Mr. Price, before arriving within the Palatine square?—I think I did, but I don't know to whom; I think that the orderly told me you wanted me, sir. How near were you to Colonel Bentinck?—A few paces; I was walking alone—a few yards. I think I was walking about, with my hands in my pockets, inside the passage and on the flags outside. In coming from the Royal to the Palatine square did you pass Mr. Price?—I think not, sir. I ran, as I was in a hurry, when I heard you wanted me, as you had spoken to me rather sharply the evening before. Are there two ways from the Royal square?—Yes, sir. By the Prisoner, with permission of the Court: You say you were standing with the group before you proceeded to walk in the passage—how long were you standing with the group?—Oh! simply while I was turning round, sir.

Colonel Brownrigg suggested that the Court should call Lieutenant Wright and Mr. Childe, who were present at the conversation.

Lient. Childe was re-called, and questioned by the prosecutor through the Court: Was Lieutenant-Adjutant Harran, on Monday morning last, about half-past eleven o'clock, when you stated you were present, outside this building, when Colonel Bentinck told Mr. Price he might return to Newbridge?—He was not in the group, but he was close to us in the passage, or in the doorway; because he had been speaking to Colonel Bentinck a short time before. Was he sufficiently near to have heard Colonel Bentinck's conversation with the Riding Master?—I should say he was. You saw the Adjutant there, and he had been speaking to you and Colonel Bentinck?—He had been speaking, I may say, to all of us; he was there for a minute, or so. Do you know how long he was there?—No; I did not notice the time. By the Prisoner: Was Major Jones near to Colonel Bentinck and Mr. Price on that occasion?—Adjutant Harran was; I did not notice whether Major Jones was.

Lieutenant Wright re-called, and examined by the Prosecutor, through the Court: Was Lieutenant and Adjutant Harran present on Monday morning last, near the group when the conversation occurred outside this building?—He was near the group, but he did not form one of it; he was walking about the yard, from the passage, and from the passage into the yard. Was he sufficiently near, in your opinion, to hear what Colonel Bentinck said to the Riding Master at the time?—He might have heard a word or two, but I don't think he could have heard it all. Is Colonel Bentinck's usual tone of voice such as would have enabled the Adjutant to have heard him, the latter being in the passage?—He could have heard his voice certainly.

The Court was then cleared, and on its being again declared open, the President said: Colonel Bentinck, the Court, as they informed you yesterday, found it necessary to institute an inquiry into very serious imputations brought forward against you by Mr. Price, as they thought that, in justice to you, these imputations should receive the fullest and most special investigation; and, after making the most strict inquiry, the Court are unanimously of opinion, that the serious imputations that have been brought forward against you are entirely groundless, and without proof; and the Court regret that Mr. Price should, under misapprehension, have made the statements concerning Colonel Bentinck which have rendered it necessary for them to undertake the present inquiry. After some observations in reference to the mode of procedure, the Court was adjourned.

EIGHTEENTH DAY.—SATURDAY, MARCH 9.

President: Captain Robertson, what is the next step you wish to take?—Captain Robertson: I wish to hand in a letter from Colonel Hodge, sir. Colonel Brownrigg proved the handwriting and signature, and the letter was read as follows from Colonel E. C. Hodge, C.B. :—

“58, Marine Parade, Brighton, 4th March, 1862.
“DEAR ROBERTSON—Your letter, dated February 28th, 1862, and addressed to London, only reached me here this day. During the period that I held command of the 4th Dragoon Guards, from 1848 until 1859, I always found you attentive to your regimental duties, and I was satisfied with the grooming and condition of your horses, and the interior economy of your troop.—Believe me, yours truly,

(Signed)

“Captain Robertson, 4th Dragoon Guards.”

“EDWARD C. HODGE, Colonel.

Captain Robertson then read his reply to evidence as follows:—

GENERAL GORDON AND GENTLEMEN OF THIS COURT MARTIAL.—In the observations which I am now about to address to you, I will endeavour, as far as possible, to avoid traversing any portion of the ground already gone over by me in the statement which I made at the opening of my defence; and I hope to be able to show to the Court that I have in substance supported by evidence all the allegations which I then made. Upon Monday last Colonel Dickson was again brought forward, and he thought it right and becoming on his part to make use of language towards me which was quite of a character with that which he uttered on the 17th of October, 1860. I will dismiss his evidence with this single observation—I know nothing of what were his intentions in October, 1860, as to giving me satisfaction. Save and except what I then collected from Captain Henry, I was also entirely ignorant of what occurred between Captain Durant and Captain Henry, except from the reports conveyed to me by the latter gentleman. I never spoke either to Colonel Dickson or to Captain Durant upon the subject. I entrusted the vindication of my honor

to Captain Henry. I confided implicitly in his guidance, and I acted according to the advice he gave me. I have before stated what are my own convictions as regards Colonel Dickson, and I still entertain them. But whether I am right or wrong in such convictions, I do submit that I am blameless in reference to the transaction. Captain Henry has also been recalled by the Court, and he has again repeated his statement that upon the 18th of October, 1860, I refused to meet Colonel Dickson, except the price of my commission was staked or lodged. I again repeat that this is totally devoid of truth, and unworthy of the slightest credit. Colonel Clarke has told you that two or three days after the 18th of October, 1860, Captain Henry told him in the Army and Navy Club that Captain Durant had told him he (Captain Durant) would have nothing further to do with the matter, in consequence of Colonel Dickson having refused to have anything whatever to do with me until he (Colonel Dickson) had settled with me legally; and Colonel Clarke has further said that, in answer to an observation of mine, he remarked that Captain Henry had just told him that Colonel Dickson had refused to meet me under any circumstances whatever, until he had settled with me legally; whereupon I then remarked that he ought to be challenged by me, and that if I did not do so he might go and say I had not challenged him; and Colonel Clarke, in reply, made use of these remarkable expressions—"Surely the man cannot go and do so after what has taken place, and that he did not think that any gentleman could do so after such a refusal?" Colonel Clarke (added Captain Henry) said the same, or coincided with me that the thing had been brought to a stand or a dead lock for the time being; and after this evidence as to what occurred two or three days after the 18th of October, 1860, Captain Henry has ventured to repeat his statements, and to assert that after I had, as he says, imposed conditions upon him on the 18th of October, 1860, he did not consider he was any longer acting as the protector of my honor. Did he hear me suggest at that interview that a challenge should be sent? Did he wilfully convey to Colonel Clarke a false impression that Colonel Dickson refused to give me satisfaction, and that for that reason alone I should take no further steps? Did this gentleman then know that I had refused to meet Colonel Dickson except the price of my commission was staked, and had he then ceased to act as my friend and adviser, and did he he wilfully withhold that knowledge from Colonel Clarke? I will leave this Court to deal with Captain Henry's evidence and conduct, and will abstain from using the expressions with which I am certain every officer and man of honor will brand it. But the matter does not rest here. Mr. Owen has stated that in March, 1861, Captain Henry asked him if he had any objection to take the place of him (Captain Henry) in respect to what took place between Colonel Dickson and me. Mr. Owen said he would have no objection if Captain Henry would give a written statement, proving that I was not in the wrong, as he (Mr. Owen) had only heard from other persons an account of my affair with Colonel Dickson, and was not, therefore, in a position to form any idea relative to it. Mr. Owen stated that Captain Henry thereupon wrote the letter of the 23rd of March, 1861, and informed him at the same time that he (Captain Henry) exonerated me in every way; and Mr. Owen added—"I have also to state that he again assured me that Captain Robertson was right." And again upon the 3rd of April, 1861, Captain Henry wrote a letter to Mr. Owen, in which are the following expressions:—"Colonel Dickson's letter is, I think, a strong corroboration of my statement about his conduct on the former occasion. The case, however, assumes a different aspect, as he has been publishing a matter in the hunting field which is perfectly untrue, and as the former was an affair within a club, and was almost without witnesses. Seeing Dickson sheltering himself under his legal shield, I did not think it prudent to advise Robertson to proceed to extremities. Were the case mine, now, I should go to Market Harborough races to-morrow, tell Dickson that he is a liar and a coward, and hit him twice, as hard as I could, and in the most public position. This I should do with the heaviest cutting-whip I could get, as well for the purpose of offence as defence." Such is the language, and such the conduct of Captain Henry in the months of March and April, 1861, when, if his present statement is true, I had refused on the 18th of October, 1860, to meet Colonel Dickson, except upon terms which no officer or gentleman would impose. I again repeat that I never did impose any conditions; and I leave Captain Henry to that opprobrium which he so justly merits, and which will attach to him in the mind and estimation of every officer and gentleman. I have already in my opening statement given to the Court a history of the entire transaction between me and Colonel Dickson, and of the several ineffectual measures which I took to obtain from him an apology or redress—it would be more than useless for me to repeat it. Mr. Owen has detailed the various efforts he made, and the way in which he was foiled and baffled by the gallant Colonel. Colonel Dickson has given several reasons for his refusal to meet, or hold any communication with him. At one time he said that Mr. Owen was too young and inexperienced; at another, it was the long lapse of time which had passed since the transaction occurred; and finally, he hinted at some vague mysterious private reasons. Throughout this trial attempts have

been made to destroy my character by dark hints and sinister allusions. Let those who have endeavoured to calumniate and malign me bring forward their charges in such a shape and form, and under such circumstances as will afford me an opportunity of meeting them, and I will not shrink from the investigation; but I do say it is not fair or manly to endeavour to procure my condemnation by this Court through the medium of such hints and rumours. Specific charges have been preferred against me. Upon these charges, and these alone, I am now upon my trial; and I would be de-erting a sacred duty which I owe towards myself and others if I were to permit idle rumours and malicious gossip to be sent forth to the world when I myself am constrained to silence and unable to come forward as a witness to pledge my solemn oath as to their utter falsehood. But Colonel Dickson has carefully abstained from saying that he was prepared to give me satisfaction in the month of March or May, 1861; he preferred to slander me in the hunting field, and when invited to attend a court of inquiry he refused to do so. The Court will not forget the three charges upon which I have been arraigned and which they are here met to try. The first is, that having failed to obtain apology or redress from Colonel Dickson, I acted in a manner unbecoming the character of an officer and a gentleman, and to the prejudice of good order and military discipline, in not submitting the matter to be dealt with by superior military authority. The second charge is either the same as the first, or it is meaningless; it accuses me of unbecoming conduct, and of having acted in a way that was prejudicial to good order and military discipline, by having failed to take proper lawful steps to vindicate my character. The third charge is, that I made a knowingly false statement in my letter of the 4th of October, 1861, in having therein alleged that my application to retire from the army was submitted entirely through intimidation. So much extraneous matter has been introduced into the evidence, notwithstanding the many efforts of the court to prevent it, that I have thought it necessary once more to call attention to the real and only charges with which the court or I have to deal. The evidence which I have given has, through necessity, been principally confined to the third charge. Upon the first two I have but little to add to the observations already submitted by me to the court. However, two matters have transpired to which I respectfully invite attention, and which, I submit, demonstrate that the matter between Colonel Dickson and me was submitted to my superior military authority, and that I did all that could reasonably be expected from me. Major Jones has detailed a conversation that took place between him and me in the month of March, 1861, when the circumstance first came to his knowledge, he was then, in the absence of Colonel Bentinck, the commanding officer of the regiment, and advised me to send notice to the Army and Navy and to the Junior United Service Clubs, which suggestion, as the court will perceive, I, at a subsequent period carried out. He also recommended me to publish in some newspapers a strong explanatory letter. To this I objected, upon the ground that such a course would expose to public notoriety private and family matters connected with Colonel Dickson's trustee-ship. Major Jones then urged me to lay the matter before Colonel Bentinck upon his return. I was reluctant to do this, as I did not consider that family matters should be made the subject of regimental arbitration. I then told him that I would use efforts to obtain a vindication of my character, which had been so grossly and unwarrantably assailed by Colonel Dickson; and Major Jones postponed taking any further steps in order to give me time to do what was necessary to obtain redress; and I told him that for the purpose of effecting that object I would again ask Captain Henry to go as my friend and on my behalf to Colonel Dickson. The reasons why Captain Henry did not go, and why Mr. Owen was substituted for him, are before the court. Major Jones was satisfied with the adoption by me of these measures. The court have been fully informed of the various attempts made by Mr. Owen and of the fruitless result of them. It is therefore manifest that Major Jones concurred in the course which I pursued on that occasion, but the matter was in the month of May, 1861, brought under the notice of Colonel Bentinck, by my implacable tormentor, Colonel Dickson. I have already stated the advice which my commanding officer then gave me, but as to which his memory is so indistinct, and I have given in evidence the further exertions of Mr. Owen on the 26th and 27th May, 1861. Colonel Bentinck has deposed that upon the 6th of June he had another interview with me, and he then gave me further advice. I was to get a circular printed, directed to every member of the Junior United Service Club, stating that Colonel Dickson had grossly, outrageously and publicly insulted me on the 17th of October, 1860, and had refused to offer me any apology, and I was to designate him in that document by any epithet I pleased. Colonel Bentinck stopped at nothing but the particular epithet I was to apply, but the nature of what he expected that that should be was fully indicated by his silence. Colonel Bentinck said that he considered that such a proceeding would compel Colonel Dickson either to offer an apology or give me some satisfaction. The colonel did not enlighten the court as to what was to be the nature of the satisfaction; but it is manifest it was to be that which I had already sought for, but failed to obtain,

through Mr. Owen. I admit fully that upon consideration I did not consider it would be judicious for me to adopt this advice in its full extent. Reflection convinced me that if I followed it I would only reap an abundant harvest of actions of libel, or perhaps be favoured with a criminal information, and I in vain endeavoured to discover any precedent for it. I would not have shrunk from undertaking the risk of legal proceedings being instituted against me, if I thought that I could, by such a course, have instigated Colonel Dickson to grant me redress, but the recollection of his past conduct did not encourage me to anticipate any such result. I accordingly recalled to mind the suggestion made by Major Jones in March 1861, and I prepared my notices for the clubs. Upon the 17th of June, 1861, I showed them to Colonel Bentinck. I do submit to the Court, that in thus acting I carried out as faithfully as the most common and ordinary prudence would permit, the instructions which were given to me by my colonel. I will now proceed to the other evidence which has been adduced. Certain documents were produced by Sir George Wetherall, which had been laid before him in June 1861, in reference to the affair between Colonel Dickson and me. The contents of these papers were such that Sir George Wetherall assumed that Colonel Bentinck would then have asked for a court-martial on me. Sir George Wetherall considered that such would have been the proper course; he thought from the information before him that it was Colonel Bentinck's duty to have adopted such a course. This was, however, declined by Colonel Bentinck, but other means were taken which it was hoped would prove equally effective. Major Jones has told the Court that in the month of June, 1861, he received from Colonel Bentinck a memorandum in the hand-writing of Colonel Bentinck; it was short, but to the point; "No leave of absence to be granted to Captain Robertson." The major asked Colonel Bentinck did he intend that order to remain in force if he were going to be away for any time? Colonel Bentinck's reply was, I was not to have leave while I was in the regiment. Colonel Bentinck, when examined, said he directed Major Jones not to give me leave of absence without a reference to him; and in reply to the next question put by me, he said, his reason was that it was not the period for officers to receive leave of absence, thereby plainly intending to leave the Court to infer, that the order was a usual one at that period of the year, and had no particular reference to my case; but when pressed to say why, if that was the true reason for his order, he named me particularly to Major Jones, he at once said, because he chose to do so. The Court observed that this was not the sort of answer they expected to receive from the colonel. The colonel then saw the necessity for making some alteration in it; but still fencing, and unwilling to give his true and only reason, he said it was because he considered it necessary; but I was determined he should not elude me, and I asked him why he considered it necessary to name me, and then, in being fairly driven to extremities, he confessed it was because I had not given him a satisfactory answer to the letter of the 22nd of May, 1861. Thus the truth was at length extracted, and it was revealed that this order was given as a special punishment to me. Colonel Bentinck has said he never stated to Major Jones that I was not to get leave of absence as long as I remained in the regiment. Major Jones has distinctly sworn that the colonel did make that statement to him. I will leave it to the Court to contrast the evidence of Major Jones with that of Colonel Bentinck, and to form their own conclusions as to which of the two they will believe. In fact, I will show that upon almost every matter connected with the colonel's conduct towards me, he has been contradicted by the testimony of other witnesses. Major Jones has also said that in or about the month of June or July, 1861, he saw me exercising in the riding-school with a back-board on: he is not certain as to the precise time, but he has stated that he did not think the use of the back-board was desirable for my improvement. Colonel Bentinck's evidence upon this subject is worthy of all consideration. He stated in his examination, upon the 25th of February, that the occurrence took place on or about the 5th of May, 1861. He then ordered the back-board, and considered it absolutely necessary. He had, however, no record of the date at which he gave the order, and the riding master, Mr. Price, never made any report to him as to my style of riding. Upon the following day, the 26th of February, Colonel Bentinck said he was enabled, by a reference to the regimental order book, to correct his evidence as to the period of my riding with the back-board, and that it was not on the 5th of May, as first deposed to by him, but at some time between the 81st of March and the 11th of April, during which period officers rode in the only order of riding that admitted of a back-board. He explained this afterwards by saying that that was the period during which officers rode with the bridoon; but I produced Mr. Price, the riding master, who deposed that the time in which I exercised with the back-board was in July or August, and that he was quite sure it was not in the month of April, that it was late in the season, and happened whilst his sergeant-major was at Coventry; and he knew that the time the sergeant-major was so in Coventry was in July or August. Mr. Price further said that officers can use both bit and bridoon in riding with a back-

board, by dropping the bit rein and taking up the bridoon, but that both the bit and the bridoon are on the horses. He has further said that the regimental order that the officers are to ride next day in bridoons would not necessarily give any clue to the time of the back-board having been used, that he did not think it necessary, from my style of riding, that the back-board should be used with me; that he was eight years riding master, and never, during that period, saw a captain ride with a back-board until it was ordered for me; that I was not inattentive to my drill, and at the time the order was given, I was riding as smartly as I could, and not inattentively, and that Mr. Price never uses back-boards unless a man is sulky and will not pay attention. Comment upon this evidence would be useless. I was singled out for this degradation at a time when I was riding as smartly and as attentively as I could. The order was, in the opinion of the riding master, unnecessary. No captain in the 4th Dragoon Guards had ever before, during the time Mr. Price was riding master, been subjected to such treatment, and the occurrence took place in July or August, long after the Dickson affair had come to the knowledge of Colonel Bentinck, indeed it was just about the period when the libellous document, to which I shall hereafter allude, found its way so mysteriously to the colonel's room. The Court will remember the way in which Colonel Bentinck evaded the several questions put to him by me as to whether he ordered me to send in my papers and leave the regiment, and how at length, after great difficulty, he stated that he recommended me, in May, 1861, to send in my resignation. The word "recommendation" is quite a favourite with Colonel Bentinck, his language is uniformly so mild and courteous that the word "order" sounds harsh to his ears. In the early portion of this case he said that on the 15th of May, 1861, he recommended me not to go into the mess room. When asked by the Court to define what he intended by the term "recommended," he illustrated it by saying that if he afterwards found me in the mess room he would have turned me out. The Court, therefore, are enabled to see the nature of what Colonel Bentinck calls his "recommendation." Colonel Bentinck, in another part of his evidence, given on the 25th of February, said, in answer to a question from the Court, that he did not recollect recommending me to leave the service on the 15th of May, 1861. As it is utterly impossible for me to reconcile these contradictory statements, I must leave the matter as it is, and trust to the inventive faculties of the colonel for some solution of the difficulty. Colonel Bentinck has denied that he ordered me to leave the mess room, or that he said, in a loud voice, "leave the room, sir." His language on that occasion was, according to his allegation, most polite. He says it was, "Captain Robertson, I shall be much obliged to you if you will leave the room," and that he did not convey to me by his demeanour and words that unless I left the room he would have me removed. The colonel added, that if I had not left the room he would have done so, and that as to removing me, that was an absurd question. The Court, however, will bear in mind the observation of Colonel Bentinck to which I have before alluded, that if he had found me in the mess-room after his recommendation he would have turned me out. This language, used by him in that portion of his examination in which he could not anticipate the question which was subsequently put, contrasts most strangely with the words which he now says he did use when he found me in the room. Colonel Bentinck has admitted that upon the 15th of May, 1861, he placed Captain M'Donnell, my junior, in command of the regiment during his temporary absence, thus completely superseding me at a time when I was performing all the ordinary duties of the service. He admits also that I remonstrated about that act, and said I would make a complaint, and that he told me that when the time came he would be happy to forward any complaint I might make. His subsequent conduct with reference to my letters of remonstrance of the 4th and 7th of September, 1861, affords significant evidence of the way in which any complaint of mine upon the matter would have been dealt with by him. In the month of August, 1861, Colonel Bentinck ordered me to attend morning and evening stables. He at first assigned as his reason for so doing that I was sometimes absent from the orderly-room at ten o'clock in the morning. It occurred to me that this was a strange reason for ordering me to attend evening stables, and I accordingly put this question to him—"Having regard to your last answer, why did you tell me to attend evening stables?" His reply was, "The same question would almost relate to the morning one—I had no particular reason, except for his absence in the morning." This was explicit and satisfactory; but the prosecutor was not contented, and in his cross-examination one of the first questions put by him to Colonel Bentinck was, "Had you any special reason for ordering the prisoner to attend evening as well as morning stables?" To which Colonel Bentinck (wholly unmindful of the statement he had previously made, and entirely regardless of the consistency of his evidence), said he had particular reasons, and gave a long account of some gossip which he had picked up in the streets of Birmingham and from some jokes of my brother officers, and said he thought it right for this reason to confine me within barracks during the period of evening stables, which would last from about half-past five o'clock to a quarter past six

o'clock on each afternoon. It is admitted that at this time the troop under my command was in good order and condition. I arraign this as an idle pretext—a shallow subterfuge, caught at for the purpose of giving a false complexion to an act which, I say, it is manifest, from the evidence before the Court, was only one of a series of proceedings instituted for the purpose of compelling me to leave the service. Colonel Bentinck followed this up by reference to an imaginary order, stated by him to have been given to me in February, 1861, to attend morning and evening stables, at which time he said that I attended them about one week. The Court have heard the evidence of Sergeant-Major MacLoughry, the sergeant-major of my troop, who has said that I never attended morning and evening stables in either January or February, 1861, or at any other time until the month of August last. It is wearisome to be compelled to go through these details but it is absolutely necessary for my protection. I charge that all these acts were done for a particular object, and the best evidence of the truth of that charge is the testimony given by Colonel Bentinck, and the contradictions to which he has exposed himself in his vain and fruitless efforts to explain or justify his conduct towards me. In the early part of the month of September, 1861, when the regiment was on the march for Ireland, Colonel Bentinck ordered that Cornet Tait, who had been attached as a subaltern to my troop during the time the 4th Dragoon Guards were in Birmingham—in fact, during the entire period since he had joined the army—should be removed. Major Jones has said he did not consider that the withdrawal of the subaltern was a beneficial arrangement. The excuse given by the colonel for that order was in order that Cornet Tait should be placed under the special charge of Major Jones during the march. The major has stated that the young subalterns were not put specially under his care at all, he only got the order as he was marching out of the barrack gate. But the colonel has also said that Cornet Tait stated to him it would be a hard case to be obliged to associate with me on the line of march. The Court pressed Colonel Bentinck as to whether Cornet Tait gave any reason for not wishing to associate with me, but the cornet gave no reason, and the only reason why the colonel, upon consideration, agreed with the cornet was, that he (the colonel) did think it was a hard case. Lieutenant Rintoul has stated that upon the line of march the officers of both troops messed together, that I could have messed with them if I pleased to do so, and that Cornet Tait would not necessarily have been more absent from the mess than he was if he had remained attached to my troop. I leave the Court to judge, from all this evidence, what was the motive and object of Colonel Bentinck in withdrawing the subaltern from my troop. I wrote a letter of remonstrance upon the subject to Colonel Bentinck, for the purpose of having the matter brought under the notice of Sir George Wetherall. This letter was dated the 7th of September, 1861. I wrote another letter, dated the 4th of September, 1861, complaining of the order compelling me to attend morning and evening stables, with a similar request that it should be laid before Sir George Wetherall. The colonel did not leave for Ireland until the 9th of September, 1861, and neither of my communications were ever sent forward to the general commanding the northern district, Sir George Wetherall. He never heard of them. On my arrival in Ireland, I wrote the letter of the 17th of September, 1861, requesting that they should be forwarded to Sir George Brown. Colonel Bentinck paid no attention to my request. He did not even condescend to lay my complaints before Colonel Brownrigg on the 30th of September, 1861. The excuse he has given is, that he considered his complaint against me was of more serious importance than the subject to which my letters alluded, and that he had a prior claim to consideration from Sir George Brown. Did any Court ever hear such an attempt at an excuse given by any commanding officer? Colonel Bentinck also admitted that he did not lay before Sir George Wetherall, nor before Colonel Brownrigg, the correspondence between Mr. Owen and Colonel Dickson, nor my letter to him of Sunday morning. And what is the hollow reason which he gives for such suppression? It was because they related to an affair of honor, and that he therefore did not consider himself justified in forwarding them; and yet he was forced to admit that the correspondence which he did lay before these officers referred to an affair of honor, in which there was a question of sending a challenge. But time would fail me if I were to attempt to enumerate all the quibbles and shuffling expedients which have been resorted to by Colonel Bentinck in the desperate and hopeless struggle to explain away the treatment which I have received. In the latter end of July, 1861, Colonel Bentinck suddenly discovers on his table a document signed by several of my brother officers, reflecting on my character, and calculated to drive me from the regiment. He tells the court he had no previous knowledge of it; although, as Lieutenant Rintoul has stated, the colonel, on the 5th of June previously—the very day next before that on which he says he gave me the notable advice as to sending libellous circulars to all the members of the Junior United Service Club—told him that the officers at head quarters were about to address a letter to him, begging to have me removed. The colonel makes no inquiry as to how or

by whom this document was sent to him. Such an inquiry would have been an act of supererogation if Lieutenant Rintoul has told the truth—it would have been only natural, proper, and becoming, if the colonel's account be true. The colonel states it was a most legal document, and couched in the most respectful language; but though this is, as he says, the case, the colonel declines to give the names of any of the officers who signed it, lest by so doing he should expose them to proceedings in a court of justice. The colonel keeps it in his possession for about a week, and then hands it to the adjutant for him to keep it. The colonel is called upon by me to produce it at this trial. He goes to the adjutant, the worthy depository of this libel, and the adjutant tells him it was destroyed. He never inquires when it was destroyed, or by whom—ignorance about these particulars is far preferable to knowledge. The colonel, in fact, would seek to induce the court to believe that he knows nothing as to the preparation of it, or as to the process by which signatures to it were obtained. When asked by me whether he told Lieutenant Rintoul that he should get all the Weedon fellows to sign it, he at first utterly denied the truth of any such conversation; further consideration, however, brought to him a misty recollection of having once remarked to Lieutenant Rintoul that the document ought to be unanimous—an expression which certainly most admirably harmonised with the colonel's clouded memory; but after various efforts he at last explained the phrase by stating that his meaning was, that there was no use in forwarding it unless it were unanimous. But the court will recollect the clear evidence of Lieutenant Rintoul. He says that on the 27th of August, 1861, the colonel observed to him, "You must get all these Weedon fellows to sign that letter," and the lieutenant said that in consequence he took this message to the officers of the regiment who were then quartered at Weedon. Colonel Bentinck said that no officer signed that document in his presence. Cornet Farquhar has been produced before the court, and has said that in the month of September, 1861, Adjutant Harran—this officer who is so indispensable to the colonel—asked him in the orderly-room, in the presence and hearing of Colonel Bentinck, who was at the time standing with his back to the fire-place, to sign that paper. Three times Lieutenant Rintoul was asked to sign that document—on two of these occasions by the adjutant—and three times he refused. At length, upon the 25th August, 1861, the adjutant's importunity was rewarded. Lieutenant Rintoul asked him if the colonel wished that document to be signed by the officers; the adjutant replied yes. "Well," said Lieutenant Rintoul, "if it is his wish, and as it is a regimental affair, I will do it, but it will be very much against my conviction." I admire the candour and intrepidity with which Lieutenant Rintoul afterwards stated that he did then sign that document. He described the pressure which was brought to bear against him—he told the truth, and the whole truth, and he did not avail himself of the cowardly and flimsy plea of declining to answer. I now fearlessly ask the Court if I have not proved the several allegations put forward in my defence, and if they do not believe that these acts and conduct were all aimed at the one object, of forcing me to resign, and whether they are not convinced of the truth of the statement made by Major Jones, that Colonel Bentinck told him I should be driven from the regiment? I will not dwell upon the evidence of Major Jones as to the conversation which took place between him and me on the evening of the 1st of October, 1861, on my return from the interview with Colonel Bentinck and Colonel Brownrigg; it portrays in the simple language of truth the feelings and emotions with which I was then oppressed, and how the thought flashed across my mind to write to his Royal Highness, the commander-in-chief. Notwithstanding all the inconvenience and anxiety which these proceedings have entailed, I am rejoiced that I carried that thought into execution. I will not now essay to penetrate the mystery of that message which was sent by Adjutant Harran to Major Jones upon the 80th of September, 1861—a message marked by the extraordinary and unusual language therein used, and which was the only order received by Major Jones concerning me.—"Dublin, September 30, 1861. Memorandum. Immediate. Major Jones will be pleased to cause Captain Robertson immediately to be examined by Surgeon Cooper, and obtain a certificate from him *that it will not endanger Captain Robertson's life* to travel to Dublin to-morrow. Should Surgeon Cooper give such a certificate, Captain Robertson will be required to attend at the deputy adjutant-general's office to-morrow, at the Royal Hospital. Signed, EDWARD HARRAN." This was in perfect keeping with all the rest of the picture which this trial has presented. The same system has been pursued with undeviating consistency from the beginning to the end. I ask for an acquittal from this Court. You will set aside these scandalous hints, which have been rather suggested than uttered. Colonel Bentinck himself has told you that prior to the 9th of May, 1861, he knew nothing against my character as an officer or a gentleman, but then the Dickson affair came to his knowledge, and his ears thenceforward greedily drank in every species of idle rumour and false reports. He never made any inquiry into the truth or falsehood of them. He thought there was no necessity for it. His mind, poisoned against me, credited a great deal of what he heard. Major Jones has been always on good terms with me. He told you he could

not tax his memory with anything discreditable which I had done, and that I had been on good terms with my brother officers, until Colonel Bentinck joined the regiment. As to the Birmingham gossip, he told you he would not have noticed it but that he heard the officers laughing and joking about it. Lieutenant Rintoul has stated that he has reason now to believe that the statements made in that libellous document respecting me are not true, and I know and feel that this Court will not weigh them in the balance, nor permit them for one moment to influence or bias their decision as to my guilt or innocence of the charges which alone they are to try. My reply was prepared before any portion of the evidence, which has occupied the Court for the last two days, was given. As, however, such evidence was only called for by the Court for a purpose wholly collateral to this trial, and as it cannot, in any manner, affect the issues to be tried between the prosecutor and me, or the testimony which has been presented on my behalf, it would be needless and irrelevant for me to make any further allusion to it. So far as regards the subject to which it referred, the Court have come to their decision, and will consequently dismiss it from their minds. The Court will now permit me to give them a very brief summary of the several transactions which have been detailed at such great length in the progress of this trial. The trustee of my marriage settlement—a person bearing the honorary title of Colonel—in a club to which he had been invited as a guest, upon the 17th of October, 1860, in reply to an inquiry made by me, and couched in proper and courteous language, grossly insults me by the utterance of expressions more befitting an empty blusterer than one professing to be a gentleman. I, at the earliest period, place my honor in the care of a man who had been a brother officer. He proceeds forthwith to obtain an apology or redress. I trusted implicitly to him, and believed fully that my reputation was safe in his hands. He reports to me that Colonel Dickson refused to give me any satisfaction until legal affairs between us were closed and settled. Captain Henry reports this statement in the presence of Colonel Clarke, and tells me, when I suggest the sending a challenge, that it was useless, and that nothing could be done. I gave full credence to him in whom I then reposed the most unlimited confidence. When Colonel Dickson, in the month of March, 1861, uttered vile slanders against me, I again sought the advice and counsel of Captain Henry. Upon his statement, that circumstances then prevented him from acting as my friend, Mr. Owen undertook the office. Captain Henry gives him a statement in writing, dated the 28th of March, 1861, setting forth what had occurred, and exonerating me in all respects; he assures Mr. Owen that I had acted properly and was free from blame. The occurrence of October, 1860, had then first reached the ears of Major Jones, at that time in command of the regiment. Major Jones speaks to me, and was satisfied when I said I intended to send Mr. Owen to Colonel Dickson for the purpose of obtaining redress. I kept my word. Mr. Owen went upon his mission, and failed in being able to obtain access to the colonel. Captain Henry is informed of the unsuccessful result of Mr. Owen's exertions, and his letter of the 3rd of April, 1861, exhibits the opinion he then entertained of Colonel Dickson's conduct. In the month of May, 1861, Colonel Bentinck is apprised of the transaction. He calls upon me for an explanation, and he then, as I assert, told me that a challenge should be sent. Mr. Owen again hurries to London, and again seeks an interview with Colonel Dickson, and he fails again. Colonel Bentinck asks Sir George Wetherall for a court of inquiry. This is refused, but a suggestion is made to him that he could prefer charges for a court-martial on me. He declines to adopt that course. On the 5th of June, 1861, he tells Lieutenant Rintoul that the officers at head-quarters were about to address a letter to him, requesting to have me removed. Upon the following day, the 6th of June, he advised me to issue circulars to all the members of the Junior United Service Club, which were to contain the severest strictures I could pen upon Colonel Dickson, for the purpose of endeavouring to force him either to apologise or give me satisfaction. Reflection induced me to conclude, that if I were to adopt such a course I would only expose myself to a series of legal proceedings, either in the form of actions of libel, or criminal information. I took another mode of proceeding, which I thought less objectionable, and I wrote the notices to the clubs which have been given in evidence. In the meantime I had been—to use Colonel Bentinck's expressions—recommended by him not to frequent the mess room, or associate with my brother officers; and when on one occasion I was found by the Colonel in the mess-room I was “recommended” by him to leave it. He also recommended me to resign my commission. This was followed, in rapid succession, by an order from the colonel, that during his absence Captain M'Donnell, my junior, should be placed in command of the regiment, thus superseding me as a person not worthy to hold that position to which I was entitled according to the regulations of the service. Orders are next given by the colonel that I am not to get any leave of absence as long I remain in the regiment. I am then directed to exercise in the riding school with the back-board on, which as Mr. Price has told you, was never applied in that regiment, except to men who were sulky, and would not pay attention to their drill, an

order entirely uncalled for, and never before given to any captain in the 4th Dragoon Guards. I am afterwards ordered by the Colonel to attend morning and evening stables, upon some wretched pretext, which it is manifest was not the true reason; and next, the subaltern is, by the like orders of the Colonel, withdrawn from my troop upon the line of march to Ireland. During the period of these transactions, a libellous document, reflecting upon my character, is prepared, with the knowledge and sanction of the Colonel. His Adjutant hawks it about among my brother-officers, and asks for their signatures, with an intimation that it is the wish of the Colonel they should sign it; the Colonel himself tells Lieutenant Rintoul he should get the Weedon fellows to put their names to it; it is found by the Colonel on his table; he makes no inquiries, as he says, about it; he keeps it for some days, and it is then delivered by him to the Adjutant, for purposes which are apparent from the evidence which has been given. I write letters to the Colonel complaining of the treatment I had suffered at his hands. These were written for the purpose of having them forwarded by him to the superior military authorities. He keeps them safely, and absolutely refuses and neglects to lay them either before Sir George Wetherall or Sir George Brown. That libellous document is placed by the Adjutant, in the month of September, 1861, in the presence and hearing of the Colonel, before Cornet Farquhar for his signature. I abstained, for reasons which are understood by the Court, from asking that young officer if he then signed it. Colonel Bentinck has been examined by me as to all these acts. The evidence given by him has been contradicted in almost every particular by Major Jones, Lieutenant Rintoul, Cornet Farquhar, Mr. Price, and Serjeant-Major Macloghney. But above all, the statements made by the Colonel in one portion of his evidence have been contradicted by those made by him in other portions of it. Upon the 30th September, 1861, an order arrives from Adjutant Harran that I am to attend at Colonel Brownrigg's office on the following day, except the surgeon could certify that my life would be endangered by the journey, and thus I am hurried up to Dublin with shameless haste, and on my arrival I am condemned, unheard, upon mutilated reports furnished by my Colonel; the facts and documents which would have explained my conduct having been, as I assert and charge, wilfully suppressed by him. Upon the day following that on which my sentence was pronounced by Colonel Brownrigg, in accordance, as he alleges, with the directions of Sir George Brown, Colonel Bentinck, for the first time, exhibits to Colonel Brownrigg the libellous document. I know not for what purpose this was done. I had been already condemned, and it could scarcely have been with the object of trying me in my absence, and after my sentence had been pronounced. Finally, this document when called for by me, for the purposes of this trial, is stated to have been destroyed. I have now commented upon the evidence which has been given, and I have gone over in rapid review the facts of this extraordinary, indeed I believe in many respects, unparalleled case, as they have been presented to the Court. I submit that I did everything which any honorable man could be required to do—that I earnestly and honestly endeavoured to obtain redress from Colonel Dickson—that the matter was in substance and reality submitted by me first to Major Jones, and afterwards to Colonel Bentinck—that I carried out their suggestions in every reasonable manner—that I was subjected to every species of harsh, degrading, and unseemly treatment, with the object and for the purpose of driving me from the regiment, and that my letter of the 1st of October, 1861, was written through intimidation. I say that I wrote my letter of the 1st of October, 1861, fully and conscientiously believing that the statements therein contained were true, and I now boldly assert their perfect truth. I fearlessly leave my cause to your decision. I will await your finding with a calm mind, and a full assurance that I will receive at your hands complete and ample justice.

The reply was then duly signed, and handed into the Court.

President: Colonel Brownrigg, you want to call evidence to rebut the testimony of some of the witnesses? Colonel Brownrigg: Yes; of Lieutenant Rintoul, of Major Jones, and of the Riding-Master; I also wish to intimate to the Court that, with its sanction, I should like that Cornet Farquhar should be brought before the Court to prove the receipt of the telegram from my office to Newbridge, he being the officer who received it, as allusion has been made that it was not received at all. Major Jones has stated that he never received that telegram, and I am in a position to prove that Cornet Farquhar did receive it, and gave it to the prisoner, and I would like Cornet Farquhar to clear up that point. President: I think it necessary. Colonel Brownrigg: I do not think it appears on record that any telegram was received at all, and I am ready to clear up that matter. Captain Robertson: General Gordon, I wish to say something in allusion to the person who gave the telegram to me. President: I do not attach the slightest importance to it. Captain John Arthur Bragg, 4th Dragoon Guards, was then sworn and examined

by the prosecutor: Do you remember any occasion of your being in the officers' ride, and the prisoner having a back-board on at the time?—Yes, I do. Was it exclusively the officers' ride?—To the best of my belief it was; I am not quite certain. Can you fix the date of that occasion positively or proximately?—It was about last April. What fixes it on your memory?—I returned from leave about the middle of March—about the 14th of March; shortly after we began to ride, and we rode in April, and I know this was one of the early rides, because we rode with bridoons. Was the weather warm at that time?—I think so. Did Lieutenant Childs ride with a back-stick on that occasion?—He did. When did you go away from headquarters at Birmingham?—About the 4th of June. When did you return?—About the 10th or 12th of September; I only returned for about four days about the middle of September, and then we marched to Ireland. By the Court: How do you know that the ride on that occasion was with a bridoon?—I remembered that it was. Captain Robertson handed in a question, and the President said: Captain Robertson you are at liberty to put any question to shake the evidence, but I do not think you are at liberty to go into other matters. Captain Robertson said he respectfully submitted that, according to the generally established rules of the law of evidence, he was at liberty to put a question for the purpose of showing misconduct on the part of a witness, and for the purpose of showing that he was not an indifferent party. By the general law of this land, by which courts martial were bound, he was not limited in his cross-examination of the witness to the evidence given by that witness on his examination-in-chief. If that were the rule, the result would sometimes be that a witness might be brought up and only asked about some very trivial and isolated matters, while at the same time he might be possessed of information injurious to the party calling him, and which would be necessary to be elicited by the prisoner for the advancement of truth and justice; and he also submitted that he had not pretermitted any opportunity of asking any question, as the witness had not been previously brought up for examination by the prosecution; and he further submitted that he was entitled to put the question to him for the purpose of testing his credibility. Since the commencement of that case both he and his legal advisers had endeavoured to act in every way with what appeared to be the wishes of the Court on every occasion; and, certainly, he had frequently withdrawn questions where he saw the Court had the slightest difficulty about admitting them, although he had no doubt they were admissible in point of law. This was a matter of great importance to him, and he begged to say that that was only one of a series of questions which he intended to put on matters relevant to the question at issue and the evidence given, and he therefore begged the Court to come to a decision as to the reception or rejection of the question; and if they rejected it, he begged that his memorandum might be recorded. Colonel Brownrigg: I object to any question that can be put by the prisoner to the evidence that does not refer to the simple matter of date about which I have called Captain Bragg to give evidence. I have called him to rebut the evidence of the Riding-master, and I object to any question being put to him on any other subject.

The Court was then cleared, and after the lapse of an hour and forty minutes was again re-opened. The President said: Captain Robertson, the Court have carefully considered the memorandum put in by the prisoner, and have decided that he is at liberty to put this question. The Court must express their surprise at the remarks made by the prisoner, as they feel that they have given him every latitude in their power. Captain Robertson: I feel that very fully, sir, and I am not aware that I have made any remarks to the contrary effect. Colonel Brownrigg: I beg to hand in a written protest. President: The first sentence of this memorandum assumes what I think you will find is not the case, therefore the Court cannot allow it pass without contradicting it. You state "As the Court have already decided that the cross-examination shall be confined to matters arising out of the chief examination." I have no recollection of any such decision. Colonel Brownrigg: With great respect I think it was stated at a very early part of the proceedings. The Judge Advocate read the minute in question, as follows:—"The Court decides that the prisoner in his cross-examination of this witness should be confined to the evidence already given before the Court, or to matters having reference to the charges brought against him." President: The Court never restricted the cross-examination to merely what the witness stated if it had any connection with the charges. Colonel Brownrigg: I so understood it. President: If you had referred to the published reports you would have seen it. Colonel Brownrigg: I have done so, and I was certainly under that impression at the time, and I have been prevented asking a great many questions on that account. The Judge Advocate then read a

minute of the protest of Colonel Brownrigg as follows :—"The prosecutor begs to protest against the prisoner being allowed to examine this witness on any other matter than on the point he has been examined on. This witness has been called to rebut evidence for the defence with respect to a date ; to this point the prosecutor has confined his questions, and he submits that the prisoner should be confined to the same." President : Does that meet your objection in any way ?—Colonel Brownrigg : Not quite. In addition to what I have already stated, I submit also that, under pretext of testing the accuracy of the witness, questions of another nature cannot be put unless the Court are of opinion that there are fair grounds for questioning his credit. President : That shall be added to your protest.

Captain Robertson : General Gordon, if there is any portion of my memorandum which could bear the construction to which the President has alluded I wish to withdraw it. I never intended to express any imputation as to the perfect impartiality of the Court, and I must express my thanks for the consideration they have afforded. President : Your explanation, Captain Robertson, is quite sufficient without going further into the matter.

President : The question now is, did you, in the summer of 1861, see with any of my brother officers, a document reflecting on my character ?—Yes, I did. At what period of the summer of 1861 did you first see that document ?—In August. With whom did you then see it ?—I saw it on the table in the mess-room at Coventry. Did you see it more than once ?—I only saw it on the one day—that was the only time I saw it. Did any officer ask you ? President : I wish to state, Captain Bragg, that you need not answer any question that would tend to criminate yourself ; otherwise you must answer. Witness : Must I answer that question ? President : If it would not criminate yourself. Captain Robertson : I respectfully submit, General Gordon, that I don't think that question can criminate him. President : Did any officer ask you to sign it ?—I think not ; I am not certain. Did you sign that document ? Witness : Am I to answer that question ? President : Not if you think it will criminate yourself. You are liberty not to answer it if it would criminate yourself. Witness : Then I decline to answer. Captain Robertson : General Gordon, I respectfully submit to the Court that there is nothing to criminate the witness in answering that question. I think he is bound to answer that question from the rule you have laid down. I think you mentioned to me that I could ask any question as to that document. President : We came to the decision before, that an officer might criminate himself by stating that he had signed that document as being an act which is contrary to the regulations. We gave another witness permission not to answer the question, but he did answer it though we gave him permission not to answer it. Captain Robertson : I will leave it entirely with the Court. President : You will have all the benefit of the witness declining to answer it, if there is any benefit in it. Question and answer read. Do you know what became of that document ?—I do not. When you saw it at Coventry, were you with your regiment ?—I was at an out-quarter of the regiment at Coventry, and this took place in the mess-room. Did you tell the Court that you were on leave of absence from June until September ?—I did not. President : Will you refer to the witness's answer to the question this morning ? The question was—"When did you go away from head-quarters at Birmingham ? Answer—About the 14th of June. Question—When did you return ? Answer—About the 10th or 12th of September ; I returned for about four days in September, and then we marched to Ireland."

Cross-examination continued : Was Serjeant-Major Williams present during the time you saw me exercise with a back-board ?—I cannot say. Was it in the beginning or the end of April you saw me exercise with a back-board ?—I stated in my former evidence that it was about the month of April ; it may have been in the month of May ; I am not certain. It was the last week in March, or the month of April, or the first week of May ; I am certain it was either in April or the first part of May ; the riding-master was there ; in the latter part of May the riding-master went away, so he could not have been there in the latter part of May ; it might have been in the first part of May ; I am almost certain it was in April, and if I were allowed to refer to the order-book, I could almost tell the day. (Order-book being handed to witness). President : Perhaps, Captain Bragg, you would say why you wish to refer to the order-book ?—Because by reference to the order-book I can tell the time at which we rode it ; must have occurred the first ten days, for it was while we rode with bridoons. How do you know that the riding-master went away in the latter end of May ?—Merely because he said so the other day, if he was telling the truth. Captain Robertson : I don't

think the riding-master did give an answer to that effect, but I may be mistaken about it. President: He only states so, because the riding-master said so to him. Witness: I read it in the newspaper, sir; if you refer to the order-book I think you will see when he went to Coventry from Birmingham.

Cross-examination continued: But at the commencement of the ride you saw me exercise with a back-board?—It was not before starting; the riding had been going on for some time; I should say a quarter of an hour. If you had not read in the newspaper that the riding-master went away in the latter end of May, would you venture to say that the occurrence did not take place in the latter end of May?—I have no reason to disbelieve the riding-master, when he stated that he went away in the latter end of May; he returned about the 14th of June: he was at Coventry two or three weeks. President: The question is, if you had not read that the riding-master said he went away in the latter end of May, would you have ventured to say that the occurrence of riding with the back-board did not occur in the latter end of May?—The riding-master having stated that he went away in the latter end of May, fixed it on my memory; if I had not read what he said, I should have said it was between the 1st of April and the 18th of June, when I myself went away. Was I on the same day, at the same time, riding with the recruits in another and different ride from that in which I was exercising with the back-board?—I don't know. Colonel Brownrigg: Might I ask if there is any objection to the witness seeing the order-book to which he has already referred? President: We know the date perfectly well; we have that already before us. Witness: I should say it was on or about the 12th of April. President: There are two orders in the book—on the 31st of March, 1861, "The officers will ride in the school at eight o'clock on their first chargers, and with bridoons;" and on the 10th of April "The officers will ride in the school on their first chargers with bridoons, at 11 30 a.m." Then on the 14th of April, "The officers will ride in the school on their first chargers at 11 a.m." Do these dates fix the matter in your memory?—Yes, sir; I should say on or about the 12th of April; it might have been a day or two before or after. President: We have all that before us, and I think it is perfectly unimportant. Colonel Brownrigg: But it may fix the matter on his memory. President: Do these orders fix it in your mind that it was on or about the 10th of April?—Yes.

Cross-examination continued: Did any officer before this day show you the order-book, in order to enable you to fix the date of my exercising with the back-board?—No, I never saw it till now before the court. Have you had any conversation with any person as to the time, or about the time, that the back-board occurrence took place?—Since I have been here I have been asked what I thought about it, and I think I said I was sure it was in April. I wrote a letter last Wednesday, stating that it was from about the 14th March to the latter end of May. Colonel Brownrigg: I may state to the court, sir, that I, as prosecutor, spoke to the witness on the subject this morning. Will you undertake to say, of your own knowledge, that I was not riding with a bit and bridoon at the time I was exercising with a back-board?—It is my opinion none of us rode with bits; we were all riding with bridoons. President: Will you undertake to say with your own knowledge?—I will, sir. By the Court: About how many days in continuance did the riding continue that you have alluded to, not taking notice of Sundays?—I can't say how many; I should say upwards of a month; I cannot be certain; my impression is that we began without bits, with bridoons, and without stirrups; we rode afterwards with swords, and went afterwards into the double ride, which I think would take about a month. To whom was the letter about the back-board written, and was it in answer to any inquiry?—I received a telegram on last Wednesday asking this question: "Were you in the ride when Robertson and Childe had a back-board on, and what month it was?" I wrote an answer, that as Price said he went away in the latter end of May, and as I did not arrive till the 14th of March, it must have been within these two periods, and that I was present at the ride. President: Then your letter was written after you had read Mr. Price's evidence?—Yes. Was the letter written before you had read Mr. Price's evidence or afterwards?—Yes, sir, if I had not read his evidence I should have said between the 14th of March and the 18th of June. I want a clear answer to this—Was the letter written after you had read Mr. Price's evidence?—It was, sir. With reference to the document about which you declined to give an answer as to whether you signed it, have you good reason to know who originated that document?—No, sir, I don't know at all. Was Colonel Bentinck present at the ride?—He was, sir. Did the officers ride in the riding-school during the month of June before you went to Coventry?—I cannot say, sir; I was away part of the first fortnight in June.

Lieutenant Wright, 4th Dragoon Guards, recalled. Captain Robertson: Mr. Wright has been in court, sir, during the examination of a great many of the witnesses. Colonel Brownrigg: I cannot help that. He was not called as a witness, he is only called to rebut evidence given for the defence. I had not the slightest intention of calling him, except for the evidence given for the defence. President: The prosecutor could not help that. Captain Robertson: I should like to ask Mr. Wright whether he was in court during the examination of my witnesses during the back-board affair. President: Very possibly he might have been, but the prosecutor could not tell that he would be required. It is not intentional, and he could have read the evidence every day. It makes no difference in reality. If the Court thought there was any intention on his part of listening to the evidence with a view to giving his own, they would not receive his evidence; but as he is entirely a new witness, I don't think the Court will refuse his evidence. Captain Robertson: I merely referred to the observations made by the Court at the time, but I don't mind it. The examination of Mr. Wright was then proceeded with by the prosecutor. Do you remember any occasion of your being in an officers' ride when the prisoner had a back-stick on at that time?—Yes, I do. Was that exclusively an officers' ride?—It was. Can you fix the date of that occasion, positively or proximately?—It was during the first fortnight in April. What fixes it on your memory?—I returned from leave on the 30th of March, and I went away again on the 15th of April; I can fix the date, because I obtained leave to go away on the occasion of my sister's marriage. Was it between those periods that the ride you allude to took place?—Yes, sir. Did Cornet Childe ride with a back-board on that occasion?—He did. Was the weather warm at that time?—Yes; it was warm at that time. What was the head gear of the officer's horses on that occasion?—We were riding with bridloons only. Do you remember a letter being addressed by some of the officers of the 4th Dragoon Guards, requesting to have the conduct of the prisoner brought under the notice of the general commanding-in-chief?—I do. Can you fix the date on which the preparation of that letter was first talked about?—It was about the 6th of July; I can fix the date because I was present at an archery meeting at Birmingham, and I drove back Major Jones and Lieutenant and Adjutant Harran from the archery meeting on the 6th of July; and, owing to the several unpleasant remarks made by the officers, connected with a certain private affair of Captain Robertson, and to a certain extent reflecting on the regiment, we thought it advisable to address such a letter to the colonel, requesting him to bring the matter before the commander-in-chief. Major Jones most fully approved of it, but said that from his position in the regiment he could not sign it himself, but he thought that, under the circumstances, it was the best thing that could be done. Do you know whether Colonel Bentinck was on leave of absence in Ireland at the time?—I know he was on leave of absence, but I can't say whether he was in Ireland or not. Was there, at head-quarters, before the 6th of July, any intention of preparing and sending such a letter?—No. Could such an intention have existed without your hearing of it?—No, I think not; it originated when we were returning from the archery meeting of the 6th of July. Did you ride in July or August, and if so, had any officer a back-stick on him at the time?—I did ride in July and August; I have no recollection whatever of anybody having on a back-stick at that time. By the prisoner, with permission of the Court: Do you know when that document was prepared?—No, I do not. Do you know who prepared that document?—Witness: With permission of the Court, I decline to answer that. Captain Robertson: I respectfully press that question, sir. President: Do you decline on the ground of not criminating yourself or others?—Witness: Yes, sir. President: The question is, do you know who prepared that document? It is not who prepared it. You are not asked who did it, but merely do you know who prepared that document?—Yes, sir, I do. Captain Robertson, in handing in the next question, said: I hope the Court will insist upon an answer being given to that question. President: State who prepared that document?—Colonel Brownrigg: I object to that question. President: You object to it—on what ground?—Colonel Brownrigg: If he only heard who prepared it, that is no evidence. President: but he stated already that he does know. Colonel Brownrigg: I object to it on the ground that, if he knows who prepared it, it might criminate others. Captain Robertson: I respectfully submit that the prosecutor has no right to object to that question. President: The prosecutor has a right to object to any question, the same right as you have to object to any question.

NINETEENTH DAY, TUESDAY, MARCH 10TH.

Lieutenant Wright having been recalled : Captain Robertson said, General Gordon, with reference to the last question put on Saturday, I wish to read a few observations. President : I think before you read any observations the court will announce the decision they have come to. The court was cleared on Saturday to consider an objection made by the prosecutor to the last question, "Who prepared that document?" and, therefore, the first step is to announce the decision of the court. Colonel Brownrigg : I beg to withdraw my objection. President : The objection is recorded ; the court have decided that the objection does not hold good, and that the question may be put, and that this witness be continued, as other witnesses have been, that he need not give any answer that would criminate himself. You have already stated in your last answer that you knew who prepared that document, and the question is—state who prepared that document?—I beg to inform you, that if you think it will criminate yourself, you need not answer it. Witness : The document was shown to me, sir, and I was told it was Lieutenant and Adjutant Harran prepared it. I don't know who prepared it. President : Then your answer to the former question must have been incorrect? Witness : I knew, sir, I was told. President : Then you must have been told wrong ; it now turns out that you were only told, and another person may come forward and state that he heard some one else prepared it. Your former answer was wrong ; here it is on oath that you knew who prepared it. You had better correct your answer ; the court will give you liberty to do so. Witness : I beg to correct my answer by adding, that I only knew from hearsay that Lieutenant and Adjutant Harran prepared it. Cross-examined by Captain Robertson : When did you first see that document?—I can't remember, sir, whether it was in July or August. Where did you then see it?—I saw it in Mr. Tait's room, at Birmingham. Did you, on any subsequent occasion, see it?—No, I did not. Do you know that that document has been destroyed?—I have heard so. Do you know by whom it was destroyed?—I was told that Adjutant Harran destroyed it. President : The question is do you know?—Yes, sir, I was told. President : You are not certain that he destroyed it? Witness : No. Captain Robertson : Did Adjutant Harran, at Birmingham, in your presence, ask Cornet Colquhoun to sign that document?—I don't remember his doing so. Did Adjutant Harran say to Cornet Colquhoun that he should not leave the room till he signed it, or words to that effect?—I never heard him say so. Did you urge Cornet Colquhoun to sign it?—No, sir. Did you ask any of my brother officers to sign that document?—No, sir. Was that document addressed to Colonel Bentinck?—Yes, sir. Do you know whether it was signed by many of my brother officers in August and September, 1861?—I know that nearly all signed it ; but I cannot remember exactly the months in which they did so. Do you know by whom it was left in Colonel Bentinck's room?—No, I do not. Had you any conversation with Colonel Bentinck about the document during the months of July, August, or September?—No ; I do not remember any conversation. Do you know whether there was any other document reflecting on my character besides the one you have spoken of as prepared by any of the officers of the regiment?—I only know of the one I have referred to. Had you anything to say to the dictation or composition of that document?—Yes, sir, I suggested one or two things. Did you sign that document?—Yes, I did. Did it at that time occur to your mind that it was an extraordinary and unusual occurrence for the colonel to order me to exercise with a back-board?—No, sir, it did not. You say you went on leave on the 15th of April, 1861. How long did you then remain away from the regiment?—Till the end of the month of April. Did you exercise at riding drill in the months of May, June, July, and August, 1861?—Yes, whenever there was an officer's ride, except during part of the time when I was away. Did you see me exercise at riding drill throughout the months of May, June, July, and August, 1861?—I rode whenever there was an officers' ride during these months. Did you see me exercising at riding drill these months?—Yes, I saw him riding. Have you any memorandum or diary made at the time containing any allusion to my riding with the back-board?—No, I have not. At about what time did you first hear of the affair between Colonel Dickson and me?—After my return from leave in the end of April. Do you know whether any of the officers senior to me in the regiment signed that document?—No, none senior. President : Was any one present in Mr. Tait's room when you saw that document?—Yes, there were. Who were they?—Captain M'Donnell, Lieutenant and Adjutant Harran, Mr. Colquhoun, and Mr. Tait. I think that was

all ; I don't know that there were any more. Referring to your evidence given on Saturday about the archery meeting, do you mean to say that you and the party you were driving from the archery meeting decided on preparing a letter to be forwarded to the General Commanding-in-Chief, merely from what you had heard that day ?—No, not entirely from what had taken place at that meeting. Then, for how long previous to the 6th July had anything occurred which influenced you to come to that decision ?—Colonel Dickson's affair ; and before the date of the archery meeting we had heard many unpleasant reports made on Captain Robertson's conduct, which we heard wherever we went, and which reflected upon the regiment to a certain extent, and we thought that, as we had heard opinions publicly expressed at the archery meeting, the matter ought to be immediately laid before the Colonel ; we thought it was then time. President : The question was as to how long previous to the archery meeting. Can you specify the time ?—Witness, I mean from the time I first heard of the Dickson affair, the date of which I cannot fix, and from the time I returned from leave in March, I heard reports of Captain Robertson. Had you heard these reports conversed about amongst the officers of the regiment ?—Yes. Had you heard them conversed about for a month previous to the 6th of July ?—Yes, quite that. You state the document was first spoken about on the 6th of July. Who first proposed that such a document should be prepared ?—I can't say who proposed it. In your former evidence you stated that Major Jones had acquiesced in the propriety of preparing such a document. Do you know that he was aware of its being in circulation in the regiment after it was prepared ?—He did know of it ; I know that he was aware of it. Did you sign the document of your own accord, or were you pressed into signing it ?—I signed it of my own accord. How many officers were in the regiment senior to Captain Robertson besides the commanding officer and Major Jones in June, July, August, or September ?—I know there were none at Birmingham, at head quarters, or at Coventry. Who were the parties present in the dog-cart who prepared and got up the document ?—Major Jones, Adjutant Harran, and myself. Colonel Brownrigg : Was it in reference to the prisoner's conduct in Birmingham that you heard remarks made about him prior to the archery meeting in July ?—Yes, Captain Robertson : Was the language which Major Jones used on the occasion of your return from the archery meeting at Birmingham in the words that a passive manifestation of a feeling of displeasure at my conduct would be much more efficacious than the course Colonel Bentinck was pursuing towards me, or words to that effect ?—No, he did not say that ; he said that Captain Robertson cared for no manifestations of feeling whatever towards him on the part of the officers. Did Major Jones, on that occasion of your return with him from the theatre at Birmingham, deprecate the preparation of any such document ?—He did then ; and said we ought to be very careful of what we were doing : I cannot remember the date of that conversation. Was it after the date of the archery meeting ?—Yes. Do you know whether several of the officers consulted Major Jones as to whether they should sign the document and the advice he gave them ?—I do not know that they did so. Do you know in whose handwriting that document was ?—No. President : Was it from your own observation or mere Birmingham gossip that you considered the conduct of Captain Robertson discreditable ?—It was from what I heard in Birmingham and—oh yes, I can only say it was from hearsay. Was the conversation with Major Jones returning from the theatre before Colonel Bentinck's return in July ?—I cannot remember whether it was or not. Do you know why Major Jones afterwards deprecated the preparation of a document which he had previously approved ?—No ; I have not the least idea. You never saw anything yourself disreputable in Captain Robertson's conduct ?—I never saw anything. Had you good grounds for believing what you heard in Birmingham ?—Yes, I had good grounds. Lieutenant Child recalled and examined by the Prosecutor :—Do you remember riding in the school in 1861, with the prisoner, and you both having backsticks on ?—Yes. Was it exclusively an officer's ride ?—To the best of my belief it was. Can you fix the time positively or approximately ?—It was about the first fortnight in April. What fixes that date in your memory ?—It was after Lieutenant Wright returned from leave, and before he left for his sister's marriage. Did you ride at any other time with a backstick ?—No. Do you remember a letter being addressed to the colonel requesting him to have the prisoner's conduct brought under the notice of the Commander-in-Chief ?—I cannot fix the date ; I think it was somewhere about the beginning of July. Was there at head-quarters previous to the 6th July any intention of preparing or sending that document ?—Not that I am aware of. Could such an intention have been

entertained without your knowledge?—I think not. Was the head-gear of the prisoner's horse when he rode with the back-stick?—Bridoon. Do you know whether Colonel Bentinck was on leave of absence at that time?—I am not sure; I think he was. Captain Robertson: Had you any conversation with Lieutenant Wright as to the time of my riding with the back-board?—Yes, I had conversation about it with Lieutenant Wright and several of my brother officers; but I had fixed the date in a letter to the adjutant before I came to Dublin at all. Did you exercise at riding drill in the months of June, July, or August, 1861?—Yes; I think in each of those months—I am not sure about June; I think I was on leave part of the time. Have you any memorandum or diary made at or about the time containing any allusion to my exercising with a back-board?—No. Was the sergeant-major present on that occasion?—I am not certain that the regimental sergeant-major was not present, but I am not certain whether the rough-riding sergeant-major was or not. Who did you hear talking of the preparation of the document reflecting on my character?—I heard the Adjutant, Lieutenant Wright, and several of the officers; I also heard the major speak of it. Were you present at the preparation of that document?—I was, I believe, but I am not sure. Do you know in whose handwriting that document was?—No, not the original; I am not certain; it was written out two or three times. President: Do you know in whose handwriting the document signed by the officers was?—Witness: I am not sure whether I do or not. Captain Robertson: Did you see any draft of that document?—I did. Do you know in whose handwriting the draft was?—I believe in Mr. Harran's. Do you know whether there were any copies made of that document?—I know there were two or three rapid drafts, which were destroyed. President: Which do you mean, Captain Robertson—the document signed by the officers, or the draft in Mr. Harran's handwriting. Captain Robertson: I allude to the document signed by the officers. The question was put thus: Do you know whether there were any copies of the document signed by the officers?—Witness: I do not know; I have not seen one. Do you know whether there were any copies made of the draft?—There were some copies, I believe, made of the draft; but I do not know that any were kept. When did you first see the document signed by the officers?—I am not sure. In whose possession was it when you first saw it?—In the adjutant's. When did you last see it?—I am not sure. In whose possession was it when you last saw it?—I don't remember. Did Adjutant Harran, in your presence at Birmingham, ask Cornet Colquhoun to sign the document?—I think he did. Did Adjutant Harran then tell Cornet Colquhoun that he should not leave the room until he signed it, or words to that effect?—I don't remember. Were any persons present when Adjutant Harran asked Mr. Colquhoun to sign the document except yourself, the adjutant, and the cornet?—I almost think that Mr. Wright was there, but I am not sure who were present. Had you any conversation with Colonel Bentinck about the document?—No. Did you ask of my brother officers to sign the document?—I believe I did. President: What is the Court to understand by "I believe?" Did you or did you not? Witness: I persuaded some of them. I used persuasion, but I don't know that any acted on my persuasion. Captain Robertson: Did you sign the document?—I beg respectfully to decline answering that question on the ground that it might criminate myself. Captain Robertson: Have you seen that document since the 4th of October, 1861?—No. Do you know what has become of the document?—I do not. Did you ever, in the months of June, July, or August, go about the hotels in Birmingham making inquiries from waiters and servants respecting my private affairs?—I was asked questions, but I never made inquiries. President: The question is—did you ever go about the hotels in Birmingham making inquiries?—I certainly made inquiries after I was asked questions at the hotels, but not before. Who asked you to make those inquiries?—I was not asked by any one. Why did you make those inquiries?—I thought it necessary to do so. Why?—Because of the reports that occurred. Who, at the hotels, asked you questions?—I was asked questions at the Queen's Hotel by the old woman at the bar (laughter). Were you questioned elsewhere?—Not that I remember. What was the head gear of your own horse when you rode with a back-board?—Bridoon. How does the fact of Lieutenant Wright having returned from leave, after being at his sister's wedding, fix the date of your and Captain Robertson's riding?—Because he was in the ride at the time, and nearly fell off his horse; but I am sure that this was just on the same day. Then how does it remind you of the ride?—He was riding on that day I know; he could not have been riding on the 14th, because he went to his sister's wedding. Why do you connect that with the occurrence?—Because it was about the same time; it was

either that day or close upon it; he went away on leave to his sister's wedding on or about the 14th, and that was the only time we rode with bridoons. Has Lieutenant Wright reminded you of this?—He did not remind me before I knew it myself; I remarked it to him. Referring to the back-board ride, had the serjeant-major been ordered to ride on that occasion, and subsequently informed that they were not to ride on that day?—No. About what time did you hear Major Jones speak of the document with approval or otherwise?—He spoke of it with approval.—I am not sure of the date—somewhere about the beginning of July. Was it before the 15th of July?—I am not sure. Did he ever speak to you again about signing the document, and, if so, can you fix the date?—He did not. By the prosecutor, with permission of the Court: In your letter to the adjutant about the back-stick ride, did you fix the date in connection with Lieutenant Wright's leave of absence?—I am not sure that I mentioned it; it was fixed in my mind; I fixed it to have been in the first fortnight of April. Was Cornet Colquhoun one of the parties who originated the document?—I think not, sir. By the Court: Was the date of that ride fixed in your mind before or after reading the evidence given to this Court?—Before. What reason have you for fixing the beginning of July as the time at which Major Jones approved of the document?—Because it was after the archery meeting; I did not go to it myself. Was it soon after the archery meeting?—I think it was very soon. By Captain Robertson, with permission of the Court: Do you know whether there was any person present but you and Major Jones at the conversation with him to which you have alluded?—I can't say, I am sure; I think it took place outside during stables; I don't think I heard any particular conversation; I think it was a general conversation. Do you know whether several of the officers consulted with Major Jones as to whether they should sign the document or not, and if you do, do you know what advice he gave them?—I do not know. Do you ever recollect communicating with me about any reports which you say you heard concerning me?—I do not remember doing so.

The Court was then cleared, and was re-opened after an hour's deliberation. Mr. Childe having taken his position, the President said: The Court re-called you to read a question that was put, and the answer that was given, in order to know whether that answer was correctly given? Judge Advocate: The question was, "Did you ever, in the months of June, July, or August, 1861, go about to the hotels in Birmingham making inquiries from waiters and servants respecting my private affairs?" Your answer was, "I certainly made inquiries after I was asked questions at hotels; not before." President: That is correct; is it?—Yes, sir. Did you make inquiries at any other hotels besides the one you mentioned?—I do not remember making any inquiries except at the one I mentioned. President: Read the answer again. Judge Advocate: "I certainly made inquiries after I was asked questions at hotels." Witness: At an hotel. Judge Advocate: "I certainly made inquiries after I was asked questions at hotels." President: Do you wish to correct the answer you gave, and say it was at one hotel? Did you make inquiries at any hotel, except the one you mentioned?—Not that I remember; I certainly made no particular inquiries; I do not remember making any. I wish to correct one answer I gave as to whether I signed the document; I now beg leave to state that I did sign it. Captain Robertson: General Gordon, I would respectfully ask the Court whether there is any objection to my occasionally walking about this barrack yard during the time which this Court is in deliberation? I understand that some order has been given upon the subject, and also that no officers should be allowed to hold communication with me. These orders certainly appear to be very stringent on me. I had intended to mention this matter before at the opening of the Court, but I omitted it. President: Who is the officer who told you that?—Captain Robertson: The officer in charge, Captain Mullings. President: Send for Captain Mullings. Captain Mullings was accordingly sent for, and

Captain Christopher M'Donnell was called, sworn, and examined by the prosecutor. Do you remember any occasion of your being in an officers' ride, and the prisoner having a back-board on at the time?—I do, sir. Was that exclusively an officers' ride?—Yes, sir. Can you fix the date of that occasion?—It was in April, sir; about the first fortnight. What fixes that in your memory?—We were riding with bridoons at the time. Was the weather warm at the time?—The riding school was very warm, because the rides were very fast, sir. Do you remember the circumstance of Lieutenant Wright nearly falling off his horse at that ride?—I do, sir. State how it occurred?—We had been trotting round without stirrups, and his horse, *Llanoy*, was a rough trotting horse, and I fancy that Mr. Wright's legs had

got tired: he did not quite fall off, sir; he was hanging on by one spur, which caught the cantel of the saddle. Had Lieutenant Childe a back-stick on at that ride?—I think he had. Do you remember a letter being addressed by some of the officers of the 4th Dragoon Guards to Colonel Bentinck, requesting him to have the conduct of the prisoner brought under the notice of the commander-in-chief?—Yes, perfectly. Can you fix the date on which that letter was first talked about?—Yes, I can fix about the period, sir. When was it?—In July. Do you know whether Colonel Bentinck was on leave of absence at that time?—I think he was on leave of absence, sir. Was there at head quarters, previous to the 4th of July, 1861, any intention of preparing or sending such a letter?—I don't remember any occasion before that period. Could there have been such an intention without your knowledge?—No, I should think not. President: Captain Robertson, did you get a message I sent to you by the Judge Advocate after I cleared the court?—Captain Robertson: Yes sir; I did to-day. President: Captain Mullings, have you charge of Captain Robertson?—Captain Mullings: Yes, sir. President: What orders did you receive?—Captain Mullings: I received orders to keep the prisoner close to quarters, and not to allow him to walk through the square. From whom did you receive those orders?—From Captain Tempest, who was in charge before me. President: Captain Robertson, on one occasion you kept the Court waiting for some time, and I forget what officer it was who was told that you should be in in time. Captain Robertson: Captain Harnett, sir. During his time I walked about the yard. President: As to not being allowed to speak to any officer, I shall make inquiry. I hardly think that any such order was ever given. In the meantime, the Court will cancel any order that may have been given, whatever authority it may be from, and you may speak to any person you like. Captain M'Donnel cross-examined by Captain Robertson: State why there could not have been any intention as to the preparation of that document without your knowledge of it?—Well, because I was one of the senior officers at Birmingham, and I should have known if anything of the sort had been going on. Did you see that document, and if so, when?—I saw it, sir, in July. At what time in July?—I think it was about the first fortnight in July. Did you ask any of your brother officers to sign it?—I don't remember doing so, sir. When did you last see it?—I don't remember. Was it after the 1st of October, 1861?—I have already stated I don't remember. Did you take that document to Coventry to have the signatures of the officers there attached to it?—Yes, sir. State when you took it to Coventry?—I cannot tell the exact date; it was on a Sunday I went over. In what month?—To the best of my recollection it was in July—about the end of July, or the first part of August. From whom did you receive it upon that occasion?—I cannot say, sir. Did Adjutant Harran, at Birmingham, in your presence ask Cornet Colquhoun to sign it?—No, sir. Do you know whether there was any other document reflecting on my character than that which you have mentioned, prepared by any of the officers of my regiment?—Witness: At the same time, sir? Captain Robertson: At any time during the summer season of 1861?—Witness: There was one, sir, before that. When was the document, which you have now for the first time mentioned, prepared?—In the end of June, or in the first week of July; it was either in the first week of July, or the last week in June; a week or a fortnight before the other. Do you know by whom this last-mentioned document was prepared?—No, sir. Do you know what became of it?—No, sir. Did you ever see it?—Yes, sir. Do you know in whose hand-writing it was?—To the best of my recollection it was in Cornet Colquhoun's, but I cannot be positive. Where did you see it?—I cannot say positively in what room, but it was in the barracks at Birmingham; but I cannot say in what room it was. Did you see it with any of my brother-officers, and if so, with whom?—At the time I saw it there were several officers in the room. State who were the officers present when you saw it?—I think Mr. Wright was present, Mr. Childe, and Mr. Tait, that was all; Mr. Harran may have been present, but I am not certain. Did you ever sign those two documents, or either of them?—Yes, sir. Was it on the occasion when you saw it in the room for the first time that you signed the document which you say was prepared in the latter end of June or the beginning of July?—I can't say it was the first time; to the best of my belief it was, sir; but I can't say it was the first time. Did you see that document on more than one occasion?—Yes, sir, I did.

The Court then adjourned until the following day.

TWENTIETH DAY.—MONDAY, MARCH 11TH.

The President, at the opening of the Court, said : Captain Robertson, with reference to the statement you made yesterday, as to not being allowed to speak to any officer, I thought it right to see the Commander of the Forces last evening on the subject. He stated that he never gave such an order, nor even thought of giving it. Sir George Brown repudiated such a thing ; and even said, that if you wished for permission to walk in the park or anywhere in the country for exercise, or to go to your solicitor's office, by making application to your Commanding Officer, there would not be the slightest objection to your doing so. Captain Robertson : The officer in charge told me he received the orders I stated. President : I shall institute further inquiry into the matter.

Prosecutor : I beg to say in reference to the document handed to the court yesterday by the prisoner, complaining of certain restrictions being placed on his actions, that he has been under arrest at large, according to the rules and regulations of the army, since his first arrival in Dublin under arrest. With regard to the prisoner proceeding to and from the Court, I beg to subjoin the following extract from a letter sent from my office, dated 1st February, 1862 :—"It is desirable that an officer should be selected to conduct the prisoner to and from the Court." That was the only order relative to this point which was issued from my office.

Captain M'Donald, 4th Dragoon Guards, having been recalled, stated, with reference to an answer given by him the previous day, that he found from his diary that he was on leave in London from the 11th June to the 23rd of June, and he requested that his evidence might be corrected accordingly. By the Prisoner : At about what time did you last see the document which you say was prepared in the latter end of June or beginning of July, 1861 ?—I am not certain, but I think it was the second week in July. Do you know whether any of my brother officers, with the exception of yourself, signed the last-mentioned document ?—I think one or two signed it ; I do not know their names now. Do you know whether Adjutant Harran's name was attached to it ?—I did not see it. You say you saw it on more than one occasion. Did you ever see it with Adjutant Harran ?—I saw it in his room. Did any of my brother officers ask you to sign it, and if so, state who asked you ?—No person asked me. At the time you signed this document were you next captain to me but one for purchase ?—I cannot say that ; yes. Who was the next captain to me for purchase ?—I believe Captain Gunter. Did he sign those documents or either of them ?—I think he signed one, but I am not certain if he signed the two ? he certainly signed one. Did it strike your mind at the time as being a remarkable occurrence to see me exercise with the back-board ?—Well, no ; because I was told at the time by Colonel Bentinck if I did not pay greater attention I should have a back-board on too. Do you know whether I was riding inattentively at the time I was ordered to exercise with the back-board ?—I was paying too much attention to my own position to see how Captain Robertson was riding. With the exception of Mr. Wright's misadventure, was there anything to impress that particular ride more upon your mind than any other ride ?—Yes, because before the ride was over we got stirrups, after Mr. Wright nearly falling off ; the ride was also very long ; the ride that day was longer than usual, and very warm. Have you any memorandum or diary at or about the time of the occurrence, containing any allusion to my having exercised with the back-board ?—I have no entry in my diary regarding Captain Robertson having had the back-board, but I have entries to show how he rode each day, and I have an entry about the stirrups ; we got the stirrups about the middle of the ride. Did you exercise at riding drill during the months of April, May, June, July, and August, 1861 ?—I was at most of the officers' rides, except when I was on leave. By the Court : Was the first document you have alluded to a distinct document from the second, or was it a draft of the second ?—It was a draft. Did this draft receive any signatures ?—I signed it. Did you ever speak to Captain Robertson about the representations prejudicial to his character which it has been stated were in circulation in Birmingham before signing the document ?—No. Are you aware whether Major Jones knew of the existence of the documents ?—No. What were their contents ?—The contents were regarding Captain Robertson's conduct and character, which we considered were ungentlemanlike. By Captain Robertson : Was the language of both documents similar ?—Part of them was ; the first part, but not the last. President : What became of the first draft of the document ?—I stated yesterday that I did not know.

Lieutenant-Adjutant Harran, 4th Dragoon Guards, recalled, and examined by the Court on his former oath. Do you know any occasion on which the prisoner and Mr. Childs rode with a back-stick, in 1861 ?—I recollect the time, but I was not

present at the ride. How do you know such a ride took place?—Because I recollect Colonel Bentinck speaking to Mr. Childe about the back-stick the next day after the ride; he said, "Well Childe, how do you like the back-stick?" Mr. Childe said, "Not at all, sir;" "It will do you a deal of good," said the Colonel; "You ought to try it yourself, Colonel," said Mr. Childe; the Colonel said, "Well, I would not mind." The next morning the Colonel did put it on when the ride was assembling, but he only put it under one arm, and remarked that that was a commanding officer's way of riding with a back-stick; he said it was a devilish good thing to be a commanding officer. Colonel Bentinck's system is to put the officers under a course of riding after the hunting season, when they come back from leave, commencing with bridoons without stirrups, and so on into the double ride; during the time of this ride the officers were walking very stiff; they said the Colonel had given them hard work; shortly after that ride, when attending a yeomanry review, I was speaking to my father about the way in which officers were drilled now; I said the officers have to learn to work now; I also produce the regimental order-book. President: We have had the regimental order-book put in already by Colonel Bentinck in proof of the same, and I don't think there is any necessity for it again. By the Prosecutor: Can you fix the date of that occasion positively or approximately?—The first fortnight in April. Can you give the dates of the absence of the Rough-riding Sergeant-Major in 1861?—He was absent from the 24th of February to the 10th of April; he was again absent from the 24th of July till the 9th of August. Was it during his absence between the 24th of February and 10th of April that Captain Robertson and Mr. Childe rode with the back-board?—It was. Were you always present with Colonel Bentinck at the officers' rides between the 24th of February and the 10th of April?—I believe I was. Referring to your last answer, can you state positively that, except between these dates, neither Captain Robertson nor any other officer rode with the back-board?—I am quite positive of it. Have you any document or return showing the officers' rides, the mixed rides, and the absence or presence of Colonel Bentinck, between March and August, 1861, which shows that the back-board ride must have been at the beginning of April, and at no other time?—I have one extracted from the regimental order-book, which I beg to hand into court. Is the back-stick an ordinary instrument of equitation, and is it commonly used in cavalry regiments? President: The Court know very well what a back-stick is. Witness: It is an ordinary instrument of equitation, very commonly used in some regiments, and not so common in others. Is there anything extraordinary in an officer being ordered to ride with a back-board should his commanding officer think it necessary?—I don't think there is anything extraordinary in it. Have you any recollection of Captain Robertson being ordered to attend morning and evening stables in January or February, 1861?—Not exactly in January or February, but in the latter end of December and the first day of January; but if the Court will allow me, I will point out the dates in the regimental order-book now before the Court (refers to order-book)—on the 28th December, on parade in watering order, Colonel Bentinck found very serious fault with the condition and grooming of the prisoner's troop; he took him to the one side and ordered him to attend morning and evening stables until further orders, or until his horses were better groomed, I am not sure which; during the course of the day, however, Colonel Bentinck said to Captain Robertson, "You must dress your fellows up and get them into good order—or the same as the other troops," I am not sure which he said; and he then let him off from attending morning and evening stables; next day the troop paraded in complete marching order; Colonel Bentinck was again very much displeased with them, and again ordered Captain Robertson to attend morning and evening stables, and the troop to parade every day in complete marching order, until there was some improvement; they paraded, I think, three or four times; about the same time a smart sergeant was attached to the troop, and then the troop was ordered half an hour extra evening stables; the last day Captain Robertson's troop paraded in complete marching order for the reasons stated, was on the 1st of January, 1861, as appears in the orders of the 31st of December, 1860. Did you hear Colonel Bentinck telling him to attend morning and evening stables?—I did, distinctly. Did Captain Robertson attend morning and evening stables, or was the order cancelled?—I cannot say whether he attended morning and evening stables, and I don't know whether the second order was cancelled. Was Captain Robertson some time on the dismounted list before the General inspecting the cavalry made his inspection?—He was. Do you remember a letter being addressed by some of the officers to Colonel Bentinck, requesting him to bring the conduct of Captain Robertson under the notice of the General commanding?—I do. Did you destroy that document, and when?—I did, about two days before the

Colonel was officially called on to produce it before the Court. Have you any knowledge of the original composition of this document, or where it was first talked about?—I have. In the beginning of the month of July, 1861, on returning from an archery meeting near Birmingham, with Major Jones and Mr. Wright, it was first spoken of, with regard to certain matters which I can repeat, but which I would rather not do; it was publicly commented on at the archery meeting in what we considered a very offensive manner to us; we agreed that some strong measures should be taken in the matter, and that Captain Robertson's conduct should be brought under the notice of the General Commanding-in-Chief, through the commanding officer in the usual way; Major Jones at the same time remarked that private profligacy was nobody's business, and he could not see the reputation of the old corps suffering without taking some steps to prevent it; "I have advised this fellow," he said, "and spoken to him in a way that I have never spoken to any other man; he is a wretched creature, has no shame, no feeling; I have done everything to him but kick him, and I often felt inclined to do that; I wish to God he would leave the regiment without sound of trumpet or beat of drum, as it is extremely repugnant to me to do anything that might be thought to be putting pressure on him," or something precisely to that effect; the conversation was altogether on that subject, and was a very long one; that is the substance of it, so far as took place between the Major and I; Mr. Wright and myself were, during the time, making very indignant allusions about the same matter. Did Major Jones on that occasion say anything in reference to signing the document that was to be prepared?—He said he fully approved of such a document, and that he thought it was calculated to have a good speed. Was Colonel Bentinck at that time on leave of absence in Ireland?—He was. Was there at head-quarters before the 6th of July, 1861, any intention of preparing such a document?—No. I think it was quite impossible without my being aware of it. Had you any conversation with Lieutenant Rintoul as to the signing of that document?—I had. Can you state to the Court what occurred on that occasion?—Some time after the 12th of August, when his troop came in from an out-quarter, I went into his room, which was opposite the orderly-room, and in the course of conversation with him on various subjects I said, "Will you, or do you wish (I don't remember which now,) to sign the Robertson testimonial," I called it. He said, "Well I almost told the Major I wouldn't, and before doing it I would like to speak to him again." That was about all that passed on that occasion on that subject. On the next day, or the day after, I again went into his room, and in the course of conversation I said, "Will you sign that thing now?" he said, "Well, I have not spoken to him about it since, but I will; I don't see why I shouldn't;" I think I then read it to him, but of that I am not quite certain; he, however, signed it, and we went on with our conversation on other subjects; I think I was in his room for over two hours on that occasion.

The President, addressing the Brigade-Major, asked what order had been given with respect to Captain Robertson. The Brigade-Major replied that the usual order had been given. The President asked if the Brigade-Major had been on duty since the commencement of the trial. The Brigade-Major stated that he had been absent for a short time in Longford. President: Who was on duty in your absence?—The Brigade-Major: Adjutant Harran. President: Were any orders issued from the office with respect to Captain Robertson?—Adjutant Harran: Not from me, sir. President: You surely would have known if there were any orders given.—Adjutant Harran: Not to my knowledge. President: I am sure there was no such order given; Captain Robertson, who told you?—Captain Robertson: To the best of my recollection Captain Tempest mentioned it to me, but I got the order from Captain Mullings; he said he had been found fault with because I spoke to Mr. Price in my room, and said that Colonel Brownrigg asked him if I had spoken to Mr. Price. President: Captain Mullings, Captain Robertson states that you gave him an order not to speak to any officer?—Captain Mullings: I did, sir, because I received the order from Captain Tempest; it was written down in pencil, "The prisoner is not to walk in the yard or speak to any officer." President: In whose writing was that?—Captain Mullings: I suppose it was in Captain Tempest's. President: When Captain Tempest returns let him attend.

Examination of Adjutant Harran continued: You say you read it to him. Did Lieutenant Rintoul sign the document without reading its contents?—I should think certainly not; I could not fail to remember it if he had done that, as he is a very particular man about business generally. Did you ever tell Lieutenant Rintoul that you had a wish that signatures should be made to that document?—No, certainly not. Can you mention any officer in the regiment who took unusual pains to obtain signatures to that document?—Mr. Rintoul, I think, took more trouble about it than

any other officer. Do you remember having any conversation with Lieutenant Rintoul with reference to the prisoner on the 30th September, 1861?—I do. Did you on that occasion tell Lieutenant Rintoul that Captain Robertson's affair had been laid before the authorities in Dublin, and that it was determined he should leave?—I believe I told him his affair had been laid before the authorities in Dublin, but I did not, and could not, have told him that it was determined that Captain Robertson should leave, as I had no grounds whatever for making such an assertion. When did you first know, since the 4th Dragoon Guards arrived in Ireland, that Captain Robertson had sent in an application to retire from the service?—On the 1st of October, 1861, about twelve o'clock. Did you on that occasion return your name for the purchase of his troop?—I did. What induced you so suddenly for purchase?—Very strong recommendations of the officers of the regiment present at head-quarters, to whom I applied for advice on the subject, and they said, "By all means, Harran," and they at the same time very kindly offered to go security for me for the purchase money. Colonel Brownrigg: I beg to mention to the Court, in reference to the use the prisoner made of my name and Captain Mullings's about Mr. Price, during the time Mr. Price was giving his evidence before the Court, that the Court adjourned, or was cleared for some time, and during that time I found that Mr. Price had gone up stairs towards the room that I believe is allotted to the prisoner. I thought that was not what ought to be, and I asked Captain Mullings whether there had been any communication between Mr. Price and the prisoner; but I gave no order whatever, and I asked that question because Riding-Master Price was at that moment a witness before the Court. President: You asked a question on the subject at the same time? Colonel Brownrigg: Yes; I asked if he had had any communication with the prisoner. Captain Robertson: Mr. Price incidentally walked into my room, and I just said to him that I had received a letter from Colonel Hodge, and Captain Mullings immediately spoke and said I was not to get leave to speak to any officer.

Cross-examination continued: Have you a letter written by Colonel Bentinck to you, containing instructions, in consequence of which the letter of Major Jones, dated 4th July, was written?—I have not. What has become of it?—I believe I destroyed it after having acted on its contents; that is my usual custom. About what time did you destroy it?—I believe after having acted on its contents; in a week, perhaps; I could not say exactly; I should say in about a week, sir, or in a fortnight after receiving it. Are you quite certain you destroyed it?—Perfectly certain. Had you, during the summer of 1861, any conversation with Colonel Bentinck in relation to both or either of the documents reflecting on my character?—I had. State what passed between Colonel Bentinck and you in this conversation, in reference to these documents, or either of them?—It is well to explain that there were three or four of these, but they were all the one document—some less strong than the others. Colonel Brownrigg: I would beg to state to the Court that there must be many privileged communications between the adjutant and the commanding officer of a regiment. Captain Robertson: I respectfully submit that no communication regarding such a document as that can be privileged. Witness: I have no objection to state them if I am pressed by the Court. Colonel Brownrigg again repeated that there must necessarily be many privileged communications between the commanding officer of a regiment and his adjutant which ought not to be disclosed. President: What is the question? Witness: Before I answer the question, sir, will you allow the prisoner an opportunity of withdrawing that, as the conversation with Colonel Bentinck was very severe upon the prisoner? Captain Robertson: Certainly not; I don't want any withdrawal. Question repeated. Witness: About the time he first got it he said, "This seems a strong measure, Harran; but I am really not surprised at it, for I don't think I ever met with a man who had so little regard to public decency and propriety," and other words to the same effect. He said, "However, it appears to be all perfectly legal—to the Commander-in-Chief through the Inspector-General of Cavalry, and all that sort of thing;" and at another time the Colonel said to me, "After all, I think I will only use that thing as a support to my answer in the confidential report, where I say there is a good understanding in the corps;" any conversation that I had about it were pretty much to that effect, and in some of which much stronger language was perhaps used, as fresh reports of his conduct came to his knowledge. About what time did that conversation take place, of which you have first spoken, between Colonel Bentinck and you?—Between the 15th and 27th, or 29th of July, 1861. Do you know at about what time the second conversation between Colonel Bentinck and you, of which you have spoken, took place?—About the same time; it is my habit to see him several times in the course of the day—that is the time the Colonel speaks to me on regimental subjects. Did Colonel Bentinck

never tell you that the pressure should be put upon me to compel me to resign or words to that effect?—Never; Colonel Bentinck could press as well as any man in the world if he tried, but I know that he had made up his mind not to do so, as he intended to put the whole matter in the hands of the Inspector-General of Cavalry, who was expected in a few days to inspect the regiment. Did Colonel Bentinck tell you of this intention of his of which you have just spoken?—Yes, as regards placing the matter in the hands of the Inspector-General of Cavalry. When was the document reflecting on my character, which was left for Colonel Bentinck, prepared?—About the first or second week in July, before Colonel Bentinck returned from leave. Did you prepare that document?—No; but I wrote a draft of it, which was disapproved of by the majority of the officers; two others were written by other officers, which were also disapproved of, as pointing too strictly to, and going too much into, details about matters of a very delicate nature, and which reflected on a third party, and even on a fourth party, whose names I have no desire to mention. I may, however, add that the formal or introductory part of my draft was adopted in the letter which was subsequently agreed on by the majority of the officers. State who were the other two officers who prepared drafts, as you say?—Cornet Colquhoun and Lieutenant Wright. Do you know in whose handwriting the final document was?—In Cornet Tait's. Was Cornet Tait the first cornet for purchase at that time?—No. State who was?—I think Cornet Childe was. I could tell in a moment, by looking at the Army List. (Army List handed to witness.) I think it was Mr. Luscombe. Do you know who left that document in Colonel Bentinck's room in the latter end of July, 1861?—I did; but not in the latter end of July. Did Colonel Bentinck, in or about the latter end of July, 1861, give that document to you?—He did. Had you any conversation with him upon the occasion of his giving that document to you?—I don't recollect any; I may have had. For what purpose did Colonel Bentinck give that document to you on that occasion?—To keep it, as I kept all official documents. Was it then given to you to keep as an official document?—I suppose so. Did you, after that document was given to you by Colonel Bentinck, procure the signatures of my brother officers to it?—Yes, I did. Do you know whether that document was destroyed after this court-martial was directed to be held?—Yes, it was; two days before it was officially called for, as I have before stated. President: I am under the impression you stated that it was destroyed two days before it was officially called for, but you fixed no time before it was officially called for. Witness: I think it was on Sunday that Colonel Bentinck called to me about it; I think the Court first met on Thursday, and I think it was on Friday I destroyed it. I think it was called for on Sunday, the 9th, and destroyed on Friday, the 7th of February. Was it destroyed in order to prevent its production before this Court?—Yes; in case it was called for I made up my mind that, as it was not used for the purpose for which it was intended, it should not be used for any other purpose. Did Colonel Bentinck get that document on or about the 2nd of October, 1861?—Yes, I believe he did; I do not recollect the date, but I believe it was about that time. Did he return it to you, and, if so, when?—He did return it to me, but I do not recollect when; I think in a few days afterwards. Did you keep it from the time he returned it to you until the day after this court-martial sat?—Yes, I believe I did. Is it usual for the adjutant of a regiment to destroy documents which are given to him to keep as official documents?—Yes, when he considers them no longer necessary, at least that is my way—except with regard to documents the destruction of which is defined by regulation, and for which proper authority for their destruction has to be obtained. Did you obtain any authority to destroy this document?—None whatever, except the wish of the officers who signed it—or, rather, some of them—because it was not used; I considered that their document—or, rather, our document—theirs, and not Colonel Bentinck's. State why you kept that document so safely from October till the time you destroyed it?—I kept it in my own private desk, in my own room. President: The question is, why you kept it?—Witness: I had no particular reason for keeping it. Had you heard, before you destroyed that document, that it was likely to be called for by me in the course of this trial?—No. I beg pardon, sir, I wish to correct that. I did hear some rumour about it, that it would be likely to be called for, and I myself thought it very likely. Had you ever a copy of that document?—Yes; two or three, or four, I believe, at different times, especially when it was first being written; they might have been in my possession for an hour or two, perhaps, just to see them. What did you do with these copies?—Some of them I destroyed; others were destroyed by the other officers. Do you know whether all these copies were destroyed?—I believe they were all destroyed, but as I have heard that the prisoner got a copy, I don't know whether that was destroyed or not. Captain Robertson: I beg leave to state that I got no copy of the document,

and never had it in my possession. I never saw it, except when Colonel Bentinck read it to me. State who were the officers beside yourself who destroyed those copies!—I think I saw Mr. Wright destroy one which was in his own handwriting, and which was cast for being illegibly written. Do you know who destroyed the other copies!—No, I don't, except some that I destroyed myself. Did you, on or about the months of July or August, 1861, tell me, in the presence of Major Jones, that you had not a copy of that document, and that if you had you would not give me one, or words to that effect!—I did, because I had not a copy at that time. I meant what I said—that I would not give one, if I had it, without the permission of the officers who signed it. Did you ever, in the month of September, 1861, take that document to Lieutenant Rintoul, in order that he might get the signatures of the officers at the Curragh attached to it!—I did. Lieutenant Rintoul offered to take it up to the Curragh for the purpose of getting it signed by some of the Weedon officers, who had previously objected to sign it on account of a paragraph which was in it, which one of them said, although true, was a libel. Lieutenant Rintoul, at the same time, offered to send it to me by that night's post, which, I think, he wrote to me, and said that he was unable to do; I think because one of the officers was not present. Did you ever tell any of my brother officers that Colonel Bentinck wished them to sign the document!—Never. Did you tell Lieutenant Rintoul, on the 25th of August, that all the officers were going to sign that document!—I rather think I did. Did he then ask you if the Colonel wished all the officers to sign that document!—No, certainly not. Did you then say "yes," in reply to his question last mentioned!—I said no already. There was no such question asked. Did Colonel Bentinck ever express to you a desire, or give a suggestion, that all the officers should sign that document!—I have some recollection that he said it ought to be unanimous; I cannot recollect at what time, but I think he said, to be of use it should be unanimous. Did you send that document to the officers of the regiment quartered at Weedon for the purpose of getting their signatures to it!—I did not; but I have a recollection that some of the Birmingham officers took it there once or twice, but I am not certain; or met the Weedon officers at Coventry on one or two occasions. Did you, in September, at Newbridge, in the presence of Colonel Bentinck, ask Cornet Colquhoun to sign that document!—I did, and in his hearing, as regards the distance, but Colonel Bentinck did not know what Cornet Farquhar was signing, simply because he did not know I had the document with me at all; because, in consequence of his having previously informed me that I had better not mix myself up with it at all, I did not like to let him know that I was getting it completed as regards signatures. He said my having to do with it might give it the appearance of being official, whereas it should come voluntarily from the officers, as he would not make use of it on any other condition. I told him that I had never taken any steps in this matter, in my capacity as adjutant, but simply as an officer of the regiment. When did Colonel Bentinck advise you not to mix yourself up with the affair about the document!—I think in July, after I had laid it on his table—that is, a day or two after. Was it before he gave it back to you to keep as an official document!—I don't recollect; it may have been at the same time; I think probably it was. State why you did not follow the advice given to you by Colonel Bentinck!—Because, as an officer of the regiment, I was anxious that every officer who wished it should have an opportunity of signing it. Did you tell Colonel Bentinck that it was you who laid it on his table!—I don't think I did. What did you say to Cornet Farquhar when you asked him to sign it!—I think I simply placed it before him without saying anything, as I believed then, as I do now, that he had signed the same document before, or rather a similar one when in a much stronger form. When was this document, which you describe as similar to that laid by you before Colonel Bentinck, prepared!—Early in July, before Colonel Bentinck's return from leave, to the best of my opinion. Do you know how long Cornet Farquhar had been in the regiment when you asked him to sign the document!—At this moment I do not know, but on reference to the Army List I could tell in a moment (the witness referred to the Army List, and said that Cornet Farquhar had been about twelve months in the regiment when he was asked to attach his signature to the document). Did Cornet Farquhar, in September, 1861, sign the document without any conversation with you!—Without any conversation that I can recollect this moment; without any conversation. How near was Colonel Bentinck to you when Cornet Farquhar signed the document!—Within about three or four yards; I think Colonel Bentinck was standing with his back to the fire, and had the same opportunity of seeing what Cornet Farquhar was signing as he had of seeing what any other person was signing or writing, who happened to be in the orderly room at the same time, but I don't think he took

much interest in it one way or another. Did you, in the summer of 1861, ask Cornet Farquhar to sign that document?—I think it is very likely; I now recollect that I did. Did you on that occasion say he should not leave the room until he had signed it?—I don't think I did; but I may have done so; with regard to the first document, which pointed at something of a very delicate nature, to which he said, I think, he did not wish to attach his name; he, however, afterwards wrote one with his own hand, to which, I suppose, he did attach his name. President:—Are the Court to understand that you did ask him to sign his name?—Witness: I can't exactly say; I do not remember precisely; I remember something of the sort. Did you, at Newbridge, in September, 1861, ask Lieutenant Chilton to sign the document?—I placed it before him for that purpose, as he had previously informed me, I think through Mr. Rintoul, that he would be very happy to sign it. Do you know that Lieutenant Chilton had previously refused to sign it at Weedon?—I do, for the reasons I have already stated with regard to the Weedon officers, of whom he was one. From whom did you receive the order which you sent on the 30th September, 1861, to Major Jones to send me up to Dublin next day, unless Surgeon Cooper could certify that my life would be endangered?—From Colonel Bentinck, who gave the orders in the presence of the orderly-room clerk, which convinces me that no other conversation on the subject could have taken place, as Colonel Bentinck invariably, before talking to me privately, orders the clerks to withdraw. Do you know how many enclosures were returned from the Assistant Adjutant-General in reply to Colonel Bentinck's letter of 9th July, 1861?—I think six; and I think I can produce a document which will explain. The witness here read a statement respecting the enclosure referred to. Captain Robertson: Do you know who altered the number "2" to "6" in the margin of the Assistant Adjutant-General's letter?—I have not the slightest idea, for I never observed that it had been altered. Did Colonel Bentinck ever tell you that he was trying to get me out of the regiment, or words to that effect?—No, not exactly, but he said he hoped the officers' letters, together with his own recommendation, would cause the Duke to make such an inquiry into his conduct as would lead to his being obliged, allowed, or permitted to leave the service, exchange, or get rid of him in some way, or something to that effect. Did he ever tell you it was objectionable that any officer should hold converse with me?—Yes, he did, about one officer in particular, who was a married officer; the Colonel said he was very much surprised, indeed, at his associating with him on such apparently intimate terms, after the other officers had cut him. He said that being a married officer, the officer in question ought to feel the prisoner's misconduct doubly, or some words to that effect. When did he tell you this?—About the month of July or August, 1861. Did you, at Birmingham, in the month of August, 1861, tell Mr. Byrne, the Veterinary Surgeon, that the Colonel had observed him speaking to me, and that he had desired you to say that he (Colonel Bentinck) had observed him speaking to me, and that the Colonel had desired you to tell him that he wanted to get me out of the regiment, and that it was objectionable for officers to speak to me—that it was undoing what he was trying to do, or words to that effect?—Part of that question is true, and part of it undoubtedly untrue—there are three or four questions in that. Captain Robertson: Is it all part of one conversation, sir?—Witness: The exact words that I used to Mr. Byrne were, as near as I can recollect, these—"Byrne, the Colonel says he is very sorry, indeed, to see you so intimate with Robertson, as, being a married man, he conceives that you ought to feel his misconduct doubly." Mr. Byrne turned very red, and made no remark. President: Which part of the question is untrue?—Witness: I did not make use of the words "Undoing what he was trying to do."

TWENTY-FIRST DAY.—WEDNESDAY, MARCH 12TH.

Lieutenant-Adjutant Harran was re-called, and the last question and answer of the previous day were read by the Judge Advocate.

Witness: Mr. Byrne did more than any other officer in the regiment to create a prejudice against the prisoner, by relating to the officers generally, and to Captain McDonnell and myself in particular, various acts of a private nature, which occurred in the neighbourhood in which Mr. Byrne and Captain Robertson both lived. He said "the way in which his conduct is talked about is extremely painful to my family; in fact it is the talk of all classes in Birmingham, even the common working people are constantly talking about it." Mr. Byrne, on coming into the Barracks nearly every morning, related some fresh instances. Captain Robertson respectfully submitted that this was not an answer to the question. The President said Captain Robertson

was at liberty to object whenever he thought proper. Captain Robertson: Let him go on, sir; I am anxious he should say as much as possible. I merely made the observation.

Cross-examination resumed: With reference to the last question, did you recommend Mr. Byrne to cease all intercourse with me, or anything to the like effect?—Nothing more than I have already related. When was it Colonel Bentinck had this conversation with you about Mr. Byrne, of which you have spoken?—Some time about July or August. State to the best of your recollection whether it was in July or August?—I think it was a week before the Birmingham Musical Festival, and that was about the end of August. Do you know that Mr. Byrne has always been on good terms with me?—I know they have had one or two differences, but were generally on good terms. Can you state about how many conversations you had with Colonel Bentinck in July, August, and September, 1861, in which the documents, reflecting on my character, or either of them, were mentioned?—No, I cannot. Had you frequent conversations with him during these months, in which the matter was mentioned?—I had some conversations; I cannot say they were frequent. Did you ever show Major Jones that document?—Never. Do you know that Major Jones advised some of my brother officers not to sign that document?—I heard it yesterday or the day before, I think, from Mr. Wright, for the first time. Will you state positively that you never heard of it until one or two days ago?—Yes, I will state positively, to the best of my recollection. Did you take any note or memorandum of the conversation between Major Jones and you in July, 1861?—Certainly not. It is not my custom to do so. Did you and Mr. Wright attend more than one archery meeting while the head quarters were in Birmingham in 1861?—I did, and I think Major Jones did, but I don't know about Mr. Wright; Mr. Wright did return from an archery meeting with Major Jones and me in the summer of 1861. Did you know before you asked Lieutenant Rintoul to sign the document, he had refused to do so?—I don't know for a certainty, but I think he had. Did he take more pains to get signatures to it than you did?—I think he did, inasmuch as he wrote letters, which I did not; I think he went to Coventry for the purpose of waiting there, as the Weedon officers were on the march, to get them to sign the document; that is my opinion. If I had been ordered to attend morning and evening stables, and had refused, would it have been reported to you or to Colonel Bentinck?—To Colonel Bentinck, I suppose. Did Mr. Childe exercise more than once with the back-stick in the spring or summer of 1861?—Not to my knowledge. How long have you been in the 4th Dragoon Guards?—About sixteen years as a soldier; I was born in the regiment. Did you ever, until my case in 1861, see a captain riding with the back-board?—Never, nor any other officer; I have heard of some in the 4th Dragoon Guards. Do you recollect all the conversation between Colonel Bentinck and you in 1861 as well as that which you have related about the back-board affair?—Most certainly not, because that was a remarkable conversation. Were the conversations you had with Colonel Bentinck about the back-board more remarkable than those about the document?—I had no conversations with him on the subject; I never said I had. Do you know that I went out into society at Birmingham during the time the regiment was there, as much or more than any officer in the regiment?—Yes, when he first went to Birmingham, I think so; latterly, I know, his society was very much shunned. Do you know at about what time you first heard of the affair between Colonel Dickson and me?—I rather think it was in March, 1861, but I am not quite certain. Do you know at about what time you first had any conversation with Colonel Bentinck about it?—Some time in May, 1861. By the Court: When was your first conversation with Colonel Bentinck relative to a document to be signed by the officers?—Some time between the 15th and 29th July, 1861. Did Colonel Bentinck ever speak to you in regard to the officers signing that document?—I recollect him saying something about it being unanimous—that to be of any use it ought to be unanimous; I don't think he ever asked me how many had signed it. Did he ever inquire from you who had put that document on his table?—I don't think he did. Why did you not place it in his hands instead of leaving it in his room?—Because when I went into his room he was in his bath, and I placed it on his table. Did you tell him you had done so?—I don't think I did. Are you aware did Colonel Bentinck know you were getting signatures for the document?—I don't think he knew I was; he knew it was being done. Did the officers who took it to Weedon or Coventry get it from you?—About that I am not certain, as it was in the hands of various officers at different times. Did any one suggest to you that it should be destroyed?—Yes, several who signed it. Was it only suggested by those who had signed it?—I think also by other people, who thought it might be made the grounds of a civil action. State who were the other people?—The principal veterinary surgeon, Mr. Hereford, was one;

some ladies also said it should be destroyed. President: We will confine ourselves to gentlemen. You don't consult the ladies on matters of business, do you?

The court was cleared to consider whether the question should be pressed. When it was re-opened, the President told the witness that it would not be pressed. Witness stated that he would have no objection to give the names if he could remember them. You said you destroyed the document to prevent it being laid before the Court, as it might lead to a civil action. Had you any other reason for destroying it?—No. Did you ever tell Major Jones the contents of the document?—No. Did Lieutenant Rintoul willingly undertake to get the signatures of the officers at the Curragh?—He offered to do so. Did he say he would sign it as it was a regimental affair, but it was quite against his own inclination?—No; that, I think, is the last reason in the world for which he would sign it. Referring to Coronet Farquhar having signed the document at Newbridge, how did you indicate that it was there?—By putting it before him, and tipping him on the head. Was he sent for?—I think not. Are the Court to understand he came in of his own accord?—I think I brought him in with me. Did you tell him what you brought him in for?—I don't think I did. Why do you state you think the last reason in the world for Lieutenant Rintoul not signing the document would be on account of its being a regimental affair?—Because he is a strong-minded man, and because I think he would not do anything to oblige anybody against his convictions. Were all the documents intended to be submitted to Colonel Bentinck, or were some of them mere drafts?—some of them were mere drafts; some were intended to be submitted to him. Were any of those acts of a private nature, which you have alluded to, on the part of Captain Robertson, reported to you officially, as the Adjutant of the regiment?—Some I knew from my personal knowledge, in a great measure; of some of which, of course, I have no personal knowledge. You have been a long time acquainted with Captain Robertson, when did your acquaintanceship cease, and on what ground?—I commenced to be cool with him in the beginning of June; I conceived a most thorough objection to him in the beginning of July, which became still stronger towards the end of August, on very delicate grounds, and I would rather not state them. Then it was not on account of the Dickson affair?—Very little, so far as I am concerned. Captain Robertson pressed the latter part of the former question, "on what grounds." State what acts concerning Captain Robertson himself that you refer to with reference to military matters?—That refers to parade; I was not cool with him because he was not up in his drill; there is one thing I can state which I think is rather a military matter to a certain extent. President to Captain Robertson: Are the Court to understand that you object to these delicate matters being inquired into?—Captain Robertson said the reason why he objected to these private matters being inquired—President: The case stands thus: you have challenged inquiry, and now restrict it to military matters. Captain Robertson: I was annoyed and irritated at the language used by the witness, and therefore I spoke unguardedly. Witness: One day while walking in the principal street in Birmingham with Cornet Colquhoun, of the 4th Dragoon Guards, I met the prisoner, who is a married man, walking with an improper female—low even for her class; I was very much annoyed about it, and when I returned to barracks I told my brother officers, and said at the same time, if I had seen any private soldier of the regiment walking with the same person in daylight, I would put him in the guardroom for disgraceful conduct. In what way do you connect this with a military offence?—For an officer to be walking with an improper female in daylight is, I think, a military offence. Was he in uniform at the time?—No; he was in plain clothes. What time of the day was this?—I think between three and four. What time of the year was it?—In the month of December, 1860, or January, 1861. When did you apply for advice to the officers at head quarters as to purchasing Captain Robertson's troop?—Immediately after Colonel Bentinck laid the application for permission to retire on my desk. How long were you consulting with those officers?—About five or ten minutes. What did you say to Colonel Bentinck when he placed that application on your desk?—I don't think I said anything at that particular moment, because a few moments afterwards the officers, Colonel Bentinck and I were leaving the orderly-room together; when in the passage I asked him to recommend me for a troop; he exclaimed, I think, "What the devil am I to do for an Adjutant!" after a little he said he would be very glad. On what date was that?—1st October, 1861. Were the officers you consulted in the orderly-room or the stables?—In the yard which adjoins the orderly-room, and into which the orderly-room looks. Did you leave the orderly-room to consult them? Yes. Can you explain why Captain Robertson's letter, dated Sunday, was not included in the enclosures sent to the Assistant-Adjutant-General?—I was not ordered to send it,

and I don't know what the Colonel's reasons may have been; I recollect Colonel Bentinck saying, with regard to those letters, that they were rubbish, or something to that effect, and had nothing to do with the question. If Captain Robertson had been ordered to attend morning and evening stables in December, 1860, or January, 1861, and had not done so, was there any officer to report him to the Colonel?—I think not, as he was the senior officer; had the Major been present, I conceive it would have been his duty. Was it daylight when you saw Captain Robertson walking with the female in Birmingham?—Yes. Was Captain Robertson on the sick list when he was sent for on 1st of October, 1861?—He was, sir. Did Captain Robertson ever ask you why you were cool towards him?—I don't think he did, sir. By the Prosecutor: Did any regimental order appear directing Captain Robertson's attendance at morning and evening stables in August, 1861?—No, sir; nothing of that sort is ever put in orders. By Captain Robertson: Do you know how many officers had signed that document before you left it in Colonel Bentinck's room?—I am not certain; I think I should say about under fifteen at a guess. Had Cornet Farquhar any business to transact in the orderly-room on the occasion on which you brought him in?—I think not; I think I brought him in for the purpose of signing that document. Were you on good terms with me up to the month of July, 1861?—Pretty good. Did you ever mention to me the circumstance which you say took place at Birmingham, in December, 1860, or January, 1861?—Never. Was it Captain Gunter who promised to go security for the purchase money of the troop?—He was one; but there were six or eight, or ten who offered. By Colonel Brownrigg: When did the regiment commence its march to Ireland?—I think on the 27th of August, 1861, the first detachment from Weedon. By the Court: How many officers of the regiment, in all, signed the protest against Captain Robertson's character?—I believe all the officers present with the regiment, except three or four. Do you consider letters addressed to Colonel Bentinck the property of Colonel Bentinck, or the property of the persons who addressed them?—As a rule, the property of Colonel Bentinck. You have stated that several documents were prepared for submission to Colonel Bentinck, and that only one was submitted. Was this selected from the whole, and were the others cancelled, or retained for future use?—They were cancelled. Did you ever say that the affairs of Captain Robertson had been referred or reported to the authorities, and that he would have to leave the service; if so, why did you say so or think so?—I said that his affairs were reported to the authorities; but I did not say that he would have to leave the service, because I had no grounds whatever for making the assertion. When was that?—On the 30th of September, 1861. The witness here begged to correct an answer which he had given on the previous day, as reported in the papers. The question was: "Did you, in the summer of 1861, ask Cornet Farquhar to sign that document?" It should have been Cornet Colquhoun.

The examination of Mr. Harran closed the evidence for the rebutting case on the part of the prosecution.

Colonel Brownrigg submitted that Captain Robertson was not at liberty, according to the rules of evidence, to examine witnesses in reference to the rebutting case, except in relation to any new matter that might have arisen. Captain Robertson said he had no objection to call his witnesses now, and the Court would then, he trusted, permit him to say a few words upon the evidence which had been brought forward for the first time by Colonel Brownrigg; Colonel Brownrigg could then read his final reply, and that would, perhaps, facilitate the proceedings. The President said no doubt that would facilitate the proceedings, and as the suggestion came from the prisoner, the Court would not object to it.

Regimental Serjeant-Major Solomon Williams, 4th Dragoon Guards, was then called, sworn, and examined by Captain Robertson. Were you present when the officers exercised at riding drill in the month of April, 1861?—I was. Were you present during the entire time that the officers were riding with bridoons?—I was. Did you see me in the month of April, 1861, exercising with a back-board on?—I did not, sir. Can you state the time when I so exercised with a back-board on, and state your reasons for being able to fix the time?—I believe the time to have been in July or August, during the time the men were riding preparatory to General Lawrenson's inspection. Were you present on the occasion of my riding with a back-board?—I was not. Did you hear of it immediately after it occurred?—Almost the moment the officers came out of the school. In what month did you so hear it?—I believe either in the latter end of July or the beginning of August; during the time that I have before stated. Were you present when Lieutenant Wright nearly fell off his horse, and hung on by one spur?—I was. When did that occur?—On the 1st day of April, 1861. Were you riding in the school on the occasion?—I was riding directly near to

Mr. Wright. Was the back-board put on me on that occasion?—No, sir. By the Prosecutor: Can you undertake to state positively, of your own knowledge, that Captain Robertson did not ride with a back-stick in the month of April?—I can. How can you undertake to state this?—Because I believe I rode with the officers every day during the month of April, and it never occurred when I was present; I mean every day that the officers rode. You say “you believe;” can you state positively that you rode every day that the officers rode during the month of April?—I think I would be right in stating that positively, but I have no written record of such a fact; I have no diary to prove that I rode every day, but I believe I was not absent on any one day. Did Lieutenant Childe ride with a back-stick on any occasion that you were also riding?—He did not, sir. By the Court: How do you know Captain Robertson’s ride with a back-stick did not take place in May or June?—I believe, as I before stated, that it was when we were riding preparatory to General Lawrenson’s inspection; during the months of May and June, we were only riding one day in each week; during the summer months from the time we were to ride in the month of April up to the time that General Lawrenson intimated his intention of inspecting the regiment, we had been riding one day in the week; upon his intimation we commenced to ride daily. President: Have you any other reason besides the inspection of General Lawrenson?—No, sir; that was the time we were riding daily, day after day, and not the time we were riding casually one day in the week. Who told you that the prisoner had been riding with a back-board?—I cannot recollect who was the individual who first told me about it, but I heard it spoken of both by the officers and by the men, and by the rough-riders; no one came to make a special report of it to me; I was in front of the stables when I saw the officers dismount; some of them in front of their own quarters; and I immediately heard before I left the yard that Captain Robertson and Mr. Childe, I think, had both back-boards on while they were riding in the school that day. President: The question was, Who told you?—I have already stated that I could not say; I took no note of it at the time, and consequently did not keep it in my memory. Was Captain Bragg present with the head-quarters of the regiment when Captain Robertson rode with a back-board?—No, I think not, sir; I know Captain Bragg and his troop went to Coventry on the 19th of June, and, of course, he would not come from Coventry to ride at Birmingham. But you have no direct knowledge on the subject?—No more than that I conclude it would be impossible for Captain Bragg to have been there riding in July. How can you fix the date of Lieutenant Wright nearly falling off his horse as having taken place on the 1st of April?—It was the first day that the officers commenced to ride; they rode early in the morning, immediately after muster-parade; in consequence of the 31st of March falling on a Sunday, we had a muster-parade on Monday, and we immediately went into the school after muster-parade. Will you state positively that Lieutenant Wright did not nearly fall off his horse in the school on the 10th of April?—I will, sir; it was on the 1st that he nearly fell off his horse. Did you ever hear of or see Mr. Wright nearly falling off on any other day than the 1st of April?—No. Do you remember if Captain M'Donnell was riding on the occasion when Captain Robertson rode with a back-board?—I believe he was, sir. Could Captain Robertson have ridden in April with a back-stick without your knowledge?—I believe not, sir. You said “You believe not;” are you, then, uncertain about it?—No, sir; I have no doubt on my own mind. Why have you no doubt on your mind? What reason have you to have no doubt?—Because I believe I rode with them every day they were riding, and it never occurred while I was present. Do you know what took place on all occasions at the officers’ ride when you were not present?—Not except some remarkable circumstance occurs, which is talked of afterwards. Could you have been absent any one day from the officers’ ride in April?—Of course I could have been, but I believe I was not; I am positive I was not absent during the first fortnight. By the Prosecutor: Were any non-commissioned officers riding with the officers on the day that you heard that Captain Robertson and Mr. Childe rode with a back-stick?—None; it was exclusively an officers’ ride. Did you ride with the officers any day before the 1st of April?—Whilst at Birmingham there was no riding for the officers before the 1st of April; the 1st of April was the first day on which we commenced to ride; from the 1st of January there was no officers’ ride at all, but the troops rode. Did you ride with the officers any day before Lieutenant Wright nearly fell off?—Witness: I should like to know what period that has reference to, because I have been riding with the officers for ten years. Did you ride with the officers any day before Lieutenant Wright nearly fell off on the 1st of April, 1861?—I did not; I could not have done so, because that was the first day they did ride in that year.

TWENTY-SECOND DAY—THURSDAY, MARCH 18TH.

Regimental Sergeant-Major Solomon Williams, 4th Dragoon Guards, recalled, and questioned on his former oath, by Captain Robertson: Have you any reasons for knowing that you were present at all the officers' rides during the first fortnight in April?—I used to be present with the Adjutant at squadron-drill from about half-past eight o'clock until about ten o'clock, after which I used to ride in the school with the officers; the sergeants used to ride in the school during the time that we were at squadron-drill; there were none of the sergeants present at the drill. President: A return was put into the Court by the Adjutant, taken from the order-book, showing that all the orders for drills subsequent to the 6th of June, up to the 24th of August, 1861, were for officers and non-commissioned officers. How can you account for the ride with the backboard you have spoken of with officers only, as having taken place in July and August—that is contrary to the order we see in the order-book?—It is usual to make up the officer's ride with non-commissioned officers when there is not a sufficiency of officers to make up the ride, and they were always guided by the number of non-commissioned officers which it took to make up a certain number; sometimes I used to ride with the officers alone; and sometimes with other Sergeant-Majors, and sometimes with the Troop-Sergeant-Major. Could it have happened that no non-commissioned officer was required at all to ride with the officers?—There was one occasion on which I was to ride with the officers; the sergeants rode immediately before them, and during the time they were riding, I was ordered to go and ride with them, and my man, thinking that I was for riding with the officers, had not my horse ready; he took a little time to get him ready; when I rode up to the school the ride was nearly over; I was not admitted into the school, so I remained outside until the ride was over; when the sergeants came out, I inquired if I was to ride with the officers, and I was told that I would not be wanted, so I went away without riding at all that day; I do not remember the date exactly of the occurrence, but I think it was about the time Captain Robertson rode with the backboard. By the Prosecutor: How many officers did you see coming out of the riding-school on the occasion you say you heard Captain Robertson rode with the back-stick?—I did not count; there might be six or eight; I believe there were occasions when only six officers rode.

Rough-riding Serjeant-Major Walter Costello sworn and examined by Captain Robertson: Were you present on the occasion on which Colonel Bentinck tried the back-stick on himself?—I was, sir. Did you put it on the Colonel?—I handed it to him; I did not put it on. State when that occurred?—It occurred in the month of August, 1861. Were you present on any occasion on which I exercised with the back-stick?—No, I was not. Can you fix the date of that occurrence, and if so state your reason for fixing the date?—I never saw him, and I cannot fix the date. When did you first hear of the occurrence?—After my return from Coventry, in the month of August, 1861. Was the back-stick used in the riding-school in the month of April, 1861?—Not after the 10th of April. Why do you fix the date of the 10th of April?—I returned from Coventry on the 9th of April, and I was at my duty in the riding-school on the 10th. Did you ever hear of the back-stick having been used in 1861, before the 10th of April? Colonel Brownrigg: I object to the witness being asked to give hearsay evidence. Captain Robertson: General Gordon, I think the nature of the questions put by the prosecutor to Mr. Harran was in relation to hearsay evidence. The question was again put to the witness, and he answered "No, sir." You say you returned from leave on the 9th of April. When did you go away again on leave?—I was not on leave; I was on duty; I was sent by my commanding officer to drill the detachment at Coventry. (The President remarked to Captain Robertson that the Court would have to throw out of their consideration a great deal of trash which had been given in evidence. He hoped Captain Robertson would confine his questions to points which the Court could take into consideration.) How long did you remain at head-quarters on your return on the 9th of April, 1861?—Until the 22nd of July. Was the back-stick used by any of the officers, to your knowledge, between the 9th of April and the 22nd of July?—No. Did you see the back-stick in the riding-school in the officers' rides between the 9th of April and the 22nd of July?—I did not. Did you see it in the riding-school during the officers' ride afterwards, on your return in August?—I did. At what part of August did you return to head-quarters?—I returned to Birmingham on the 9th of August, having been away from the 22nd of July. Did you remain at Birmingham from the 9th of August to the 31st of August?—Yes, until the regiment marched to Ireland. President: Colonel Brownrigg, have you any question to put?—Colonel Brownrigg: No, I only wish to remark

that four officers have been already produced on this subject, and I do not wish to further take up the time of the Court.

Sergeant-Major Williams recalled by the Court. President: I thought it right to send for you, as I put a question to you under a misapprehension. I put a question founded on a return put in by the Adjutant, and the question was—"How can you account for the ride with the back-board with officers alone?" It is right to tell you that I did not verify that return by comparing it with the order-book when I put that question. It was a return handed in, but it was not accurate. If I had known that, I would not have put the question. The order is this—on the 14th of August. No. 3—"The officers will ride in the school at 10:30 a.m.," therefore my question to you was incorrect—it was founded on an incorrect document, and if you wish to alter your answer you may. Witness: I don't wish to alter my former answer, sir; but I may be able to explain to you why the order said the officers and non-commissioned officers will ride in the school. Very often some of the officers are away, and they were not able to form a ride, and there was a doubt about how many officers would ride, and therefore as the officers turned in the non-commissioned officers fell out; and it often occurred that all the non-commissioned officers fell out except myself. It must have been on that date. I have no written record of the date, so I can only speak from memory; but whenever there was a non-commissioned officer present in the officers' ride, I was always the first non-commissioned officer to ride with the officers.

Lieutenant-Adjutant Harran recalled by the Court. President: You put in to the Court, the other day, a return, signed by yourself and purporting to be an extract from the order-book of the regiment, showing on what days the officers and non-commissioned officers rode. We received that as a correct statement, and put a question some time since founded upon it, assuming it to be correct. It has been compared with the order-book of the regiment—not by me, but by a member of the Court—and it has been found apparently incorrect. Can you explain the difference between your return and the order-book?—We find here you put the 15th of August, whereas the order is the 14th of August—the officers will ride at 10:30 a.m.?—Adjutant Harran: I took the extract from the order-book, and I may possibly have made a mistake. President: Are you not aware that when you appear before a court-martial, as an officer, it is necessary to be particular in everything you state upon oath, and to which you attach your signature?—Adjutant Harran: The book is before the Court. President: I don't think I am bound to correct your return by comparing it with the order-book. I accepted your word for its correctness, and I put a question founded upon it to the witness a while ago, which was calculated to mislead and to make him perjure himself on his oath before the Court. You ought to be very careful in such proceedings as these. Adjutant Harran: I am extremely sorry, sir, that it has occurred. President: Yes, I am very sorry, indeed. That will do you now; you may withdraw, and for the future be more correct as to what you put in before the Court.

Mrs. MacAlpine was then sworn, and examined by Captain Robertson. Did you return from the Continent to Birmingham in the month of July, 1861?—On the 20th of July, 1861. Can you fix the time I was ordered to ride with the back-board?—I cannot fix the day or week, but it was some days after I arrived from the Continent. Captain Robertson came in exceedingly fatigued, and told me he was in much pain, by having been subjected to ride with a back-board by order of Colonel Bentinck. Did I state that I had been exercising with a back-board on that day?—Decidedly.

Captain Robertson: General Gordon, I respectfully submit that that return should be erased from the evidence, or that a special note should be made that it is inaccurate. President: Certainly. Colonel Brownrigg: I beg also to request that a note be made of the fact that Mr. Harran said it was a mistake. President: Yes, that Mr. Harran said so.

Lieutenant Robert Rintoul, 4th Dragoon Guards, recalled, and questioned by Captain Robertson on his former oath. You stated before in your evidence that you were in the habit of keeping a diary, have you any diary or entry of your conversation with Colonel Bentinck on the 5th of June, 1861?—I have a sketch of it. Produce it and read it to the Court?—I gave the substance of it before. President: Was it made at the time? Witness: It was made on the evening or night of the same day. Witness reads—"5th June; amongst other conversations, Colonel Bentinck said that at head-quarters they were going to address a letter to him to be signed by us to get 'R.' removed" (which means Robertson). Was that entry made by you at the time at which it bears date?—Yes. Have you also in that diary, in your handwriting, any entry referring to your conversation with Adjutant Harran on the 25th of August, 1861?—I have. Was that entry made by you at the time at which it purports to bear date?—It was. Produce and read that entry. Witness reads—"25th August,

1861; 'H.' brought 'the Robertson testimonial' for me to sign. I told him I would rather not; that it would look very ill for me to do so, as we were not on terms; also, that the Major recommended me again not to do it. 'H.' said all the officers would sign. 'Does the Colonel wish me to?' 'Yes.' 'Well if it is his wish, and it is a regimental affair, I will do it; but mind, I do it much against my convictions.'"

Colonel Brownrigg: May I ask you if that document which is before you is in pencil or in ink? Witness: It is in ink, sir. Who is intended in that entry by 'H.'?—Adjutant Harran. Have you in that diary an entry of another conversation between Adjutant Harran and you on the 23rd of August?—I have an entry on the 23rd of August. Produce and read it?—I will do so, but I think it must be a mistake. Read it?—This is very private. Captain Robertson: Does it relate to this matter? Witness: No; it must be the 13th of August the prisoner refers to; the entry does not refer to the document. (Question altered to the 13th August).—I have an entry on that date—"He spoke about the Robertson letter; said I should not sign." Was that entry made at the time it purports to bear date?—It was made on the night of the same day. Have you read the entire of that entry relating to the signing of that document?—I have. Have you in that diary, in your handwriting, an entry of a conversation between you and Colonel Bentinck on the 27th of August, 1861?—I have (27th August, '61)—"Talked with Ben on the step, and the likelihood of a move; he said you must get all those Weedon fellows to sign that letter;" that is all that refers to that affair; "Ben" means Colonel Bentinck. Have you an entry of a conversation between Adjutant Harran and you on the 30th September, 1861?—I have. "Went to Royal Barracks in the evening; H. told me, 'It is all over with Robertson;' that an order had gone to Newbridge." President: I think we had this before? Witness: Yes "For him to appear to-morrow before the authorities, unless the doctor could certify that his life would be endangered by the journey; that B. had laid the whole affair before General Browne; that he was determined he should leave." That is all referring to that conversation. By the Prosecutor: How does it happen that the pages of your diary are loose in the cover?—It happened through an accident. (The book was examined by the Court, who were satisfied with regard to the originality of the document). If you made such accurate entries of the conversations, why did you not note the contents of the document?—I am not in the habit of copying documents. President: The question does not apply to the copying of documents. Witness: I don't know why I did not, beyond the entry of the general tenor of a letter that it was to have him removed. Have you any entry to that effect?—I believe I have: "Saturday, August 3: Court-martial on Coyle. M'Donnell over from B. (Birmingham); he brought the letter to be signed, requesting that R. should be removed from the service." Did you write these conversations down so minutely because you thought that at some future day there might be an inquiry about this document?—No. Are the Court to believe that you take down all conversations at this length?—I enter some; not every conversation. How many volumes does your diary of conversations extend to in the course of the year?—I have three for one year; it depends upon the size of the volume. Do you mean to state that your conversation with Colonel Bentinck, on the 5th of June, had reference to the document you afterwards signed?—I presume it had; the document of which we have been speaking so much of was not in existence at the time. When you signed the document, on the 25th of August, who brought it or gave it to you to sign?—Adjutant Harran. Was it against your conviction that you took the document to the Curragh to get signatures to it?—I stated I was not certain that I took it, and now I find I did not take it. You stated that the document was partly against the truthfulness of Captain Robertson, and you gave that as a reason for your signing it. You believed it then. Have you reason now for not believing it?—I have; at that time I heard a great many allegations against Captain Robertson by those who were interested in declaiming him, and since then I have heard the other side of the story. Did you ask Colonel Bentinck if you should sign the document?—I stated the other day I took a message from him; he said you must get those Weedon fellows to sign it; I said I should see them to-day, and tell them so; these were not the exact words. Did Colonel Bentinck suggest that you should ask them?—I can only give the same answer to that I have just given. When did you first change your sentiments about Captain Robertson? What date?—I cannot fix any date. Did you, up to the 1st of October, after Adjutant Harran had put in his name for purchase, take an active part against Captain Robertson?—not an active part, certainly. Was the document you did sign the one that was produced at the conversation on the 5th of June?—As I before stated, I presume it was. Do you ever make any entries in your diary in arrears?—Sometimes I enter them next morning. Is there any instance in the diary of your having made an entry about Captain Robertson some days after its occurrence?

—I think none; certainly not. By the Prosecutor, with the permission of the Court: You state you have not been in the habit of copying documents. Why, then, did you copy the telegram of the 1st of October to Major Jones?—I can't give any reason for doing so; the whole occurrence of that day was extraordinary; I made some private comments out afterwards. Captain Robertson, through the Court: Produce the entry in your diary relating to the receipt of that telegram. I gave it before; I produced my note book in which the entry appeared. Entry produced. Captain Robertson: I would wish the entire entry to be read, in consequence of a question asked by Colonel Brownrigg, and because the comments made by the witness might explain the entry. Colonel Brownrigg: I object to the witness's comments; they are not evidence. Witness: I object to them myself. President: I think, Captain Robertson, you had better not produce them. I have read them, and I assure you they will not influence the Court one way or the other; and if you consult your own interest you will not press the question. I may state that it is entirely out of consideration for Captain Robertson that the witness does not wish to answer the question, and I would recommend you not to press it.

The Court then adjourned for a quarter of an hour. Captain Robertson, on the re-opening of the Court, said: General Gordon, I fear that the observations made cursorily by you just before the Court rose may create an impression that there is something in the comments made by Lieutenant Rintoul in his diary connected with the entry relating to the telegraphic message which reflects upon my private character. I have been informed by Lieutenant Rintoul that such is not the case, and I am certain that you will be most happy to remove any suspicions which may have arisen from the language inadvertently used by you. President: Captain Robertson there is not the slightest reflection on your character; it is merely an entry made by a young officer upon another officer; there is no reflection at all against your character, but simply an expression that it might not be desirable to mention; there is not the slightest reflection on your character.

Major Jones, 4th Dragoon Guards, recalled, and questioned by Captain Robertson on his former oath. Did you return with Adjutant Harran and Lieutenant Wright from an archery meeting on the 9th of July, 1861?—No; I came in Captain Robertson's drag. Have you any memorandum, in your handwriting, connected with your return from the archery meeting on that occasion?—There is a private note—it is private—but I did not make an entry in reference to it. President: was it made at the time?—Witness: Part of the note was made before the time, and part immediately after. Was that entry made at or about the time at which it bears date, and if so, produce and read it?—Part of it was made before the time; the second part is a comment on the first; it is, "Miss Blank will be at the 'A' meeting, 6th July (laughter). Rather sold—not there (laughter). Came back in drag with 'Inches' and Mrs." (laughter). Who do you mean by Inches, and why do you so designate the person?—It is a name we have got for Robertson; his place in Scotland is called "Inches," so that is the name we call him by (laughter). Did you, on any occasion, say to Adjutant Harran, or Lieutenant Wright, or either of them, that you fully approved of such a document, and that it was calculated to have a good effect, or words to that effect?—It is quite impossible that I could have made use of any such expression. To Mr. Wright, alone, on a former occasion, I gave strict advice to have nothing to do with so illegal a transaction. Do you recollect any conversation between Adjutant Harran, Mr. Wright, and you, on or about the month of July or August, 1861, as to the adoption of means to compel me to leave the regiment?—I recollect a great deal of desultory conversation about this "round robin," and other subjects. State, to the best of your recollection, the purport of such conversation?—Well, the purport of such conversation was, that they were going to get up a testimonial to Robertson, which it was supposed would have the effect of seeing the last of him, or seeing him out of the regiment, or some such words. Did you ever suggest the preparation or getting up among my brother officers of any document reflecting on my character?—Never. Did you advise some of my brother officers not to sign such a document, and, if so, name the officers to which you gave such advice?—I gave a special advice to Mr. Rintoul not to have anything to do with it; Mr. Inge told me he had been asked to sign it, but he had refused to do so; I told him that he did quite right to avoid all connection with so dangerous a subject, or words to that effect, and the next time he was asked to do so, I urged him as a friend, privately to consult me on the subject first; when I first heard of it I also spoke to Mr. Byrne on the subject, but I gave him no advice on the matter, because he did not want any. By Colonel Brownrigg: You stated that you gave Lieutenant Wright advice on a former occasion about the document. What did you mean by the expression "a

former occasion?"—I think it was before the archery meeting, to the best of my opinion, that I spoke to him on the subject; after I first heard it I advised him to have nothing to do with it, coming up from the theatre one evening. By the Court: Did you ever return from an archery meeting with Mr. Harran and Mr. Wright, and, if so, when?—I don't think I ever came back from an archery meeting with Mr. Harran and Mr. Wright. If you knew the document was illegal and dangerous, did you ever inform Colonel Bentinck of your opinion?—No. Did you make any remark, officially or otherwise, to Colonel Bentinck when he returned from leave to take command of the regiment, relative to the intention of the officers to prepare such a document? The first time I ever heard of the intention of the officers to prepare the document, or anything appertaining to it, was after I returned from leave, about the middle of June; I made no remark to him on the subject. Did you inform Colonel Bentinck when he returned from leave in July of the intention of the officers to prepare such a document?—No, sir; I never spoke to him on the subject in my life to my knowledge. Is it your duty, as a Major, to keep the Commanding Officer informed of all matters that, from his position, he ought to be acquainted with?—Well, sir, it is, I suppose, to a greater or less extent, my duty to do so, but I did not do it, for I thought he knew all about it. You said you did not recollect you ever returned from an archery meeting with Lieutenant Wright and Mr. Harran. Are the Court to understand that you are uncertain about it?—To the best of my belief, I was never at more than two archery meetings; I don't recollect being at a third; and on each of these two occasions I returned home in Captain Robertson's drag. Did you ever return from any *fete* or party in the commencement of July in a dog-cart with Lieutenant Harran and Mr. Wright?—I have no recollection of having done so; I don't think I could have done so without remembering it. Were you ever asked to sign the document?—Never. What led you to think that Colonel Bentinck knew all about the document? Mr. Harran went up to London to a regimental dinner, which took place at the end of the Ascot week, early in June, and when he came back he told me, I won't specify the day, some short time after he came back—"We are in a fair way at last for getting rid of Robertson." President: You don't mean to say that these are the exact words?—Witness: Well, they are very nearly the same words. Colonel Bentinck was in London at the time, but I don't know whether he was at the regimental dinner. How do you connect that with Colonel Bentinck's knowing it? Witness: I must use, as nearly as possible, the exact words. He said—"We have got up the testimonial; Bentinck will give it to Lawrenson when he comes; Lawrenson will lay it before the Duke, and there will be short work made of Master Sandy" (laughter). When did you first hear that the document was in existence? I heard the officers talking of signing it at Coventry and Weedon some time in the summer; it was a delicate subject, and I generally avoided conversation about it, as I had no intention of signing it. Did you ever say to Lieutenant Harran that the idea of putting pressure on Captain Robertson was repugnant to your feelings?—I did; I had a great many conversations with Mr. Harran about Captain Robertson's affair. When did you say it was repugnant to your feelings?—I think it was, as well as I can remember, when he was sent to the riding school, to ride with the troops in the morning. Would you add where it where it was?—In Birmingham. Do you recollect where it was—in the mess-room or orderly-room?—It might have been outside in the yard; it was summer time; I was then in command of the regiment, and I used to chat with Lieutenant Harran walking up and down the yard; it might have been in the yard. President: This inquiry has assumed such a strange and painful character that you must not be surprised at the question that is going to be put to you, which, under other circumstances, would not, perhaps, be put to you. The question is—Will you undertake to state positively that you never drove in a dog-cart with Lieutenants Harran and Wright during the month of July, 1861?—I will not undertake to say any such thing. I have come up from the town more than three or four times in Mr. Wright's dog-cart. And Mr. Harran also?—On one or two occasions Mr. Harran was with us, as well as I can remember. Is it possible for you ever to have driven in a dog-cart with these officers when they were coming away from an archery meeting, although, perhaps, you yourself had not been there?—I don't think it possible, sir, as I came in Captain Robertson's drag. Question repeated. Witness: I don't think it could have happened, sir; the occasions that I remember best coming home with Mr. Wright and Mr. Harran were when the mess was closed for about a fortnight, and when the officers used to dine at the club; Mr. Wright used to have his dog-cart there at night, and gave myself or any one else who happened to be in the town a "lift" up to barracks. Did any conversation ever take place between you and those two officers, when you were driving with them in a dog-cart, about the "Robertson testimonial?"

I think it is very likely there might have been; the "Robertson testimonial" was discussed very freely. Can you detail any conversation of the sort?—Well, indeed, I cannot now detail the particulars of any conversation. At the period of the archery meeting at the commencement of July was the mess closed as you describe—in other words, can you state when the mess was closed?—Well, I think it was about the middle of August; I don't know; I know it was opened again for about a week before we left Birmingham—perhaps I might say the last fortnight in August. Are you certain it was in August?—It must have been in August, because it was opened about a week, I think, before we marched away; it must have been in August, to the best of my belief. Did Captain Robertson ever drop you at your destination in Birmingham on the occasions when he drove you in his drag?—He dropped me on one occasion in the town, and in another he brought me to the barracks. How did you go to the barracks on the occasion when he dropped you in the town?—I think I walked up; I believe I walked up; I don't recollect going in any other way. Could you have gone on that occasion with Lieutenants Wright and Harran?—No, I think not; no, certainly not. Do you ever remember saying to Adjutant Harran that you wished to God the prisoner would leave the regiment?—I said at the time he was anxious to sell out, "I wish to goodness, or to God, he would now leave the regiment, as he will get his money now, safe enough," or words to that effect, "as he may not have so good a chance again." Can you say that you never, at any time, or to any officers, expressed any opinion favourable to the preparation of such a document, as the means of getting rid of him?—Never; most emphatically, never; I think of all others I was altogether most opposed to it at all times. Do you remember saying with reference to the document, "This is a strong measure, Harran?"—I may have said it was a strongish measure, but I won't say about surprised; I might have added that I was not surprised, for I would not be much surprised at it. President: The Court wish to see the note-book containing the note in reference to this archery meeting. [Note-book handed to the President, who having read it said]—This appears to be a part of a diary, except an isolated entry about a not very important event, while there is very little entered during the year. Major Jones: I heard that a certain person was going there whom I wished to meet, and therefore I jotted it down. President: The Court wished to be satisfied as to whether it was an isolated entry, or whether there were entries before or after. Major Jones: The book is full of entries. Did you ever say to Adjutant Harran that Captain Robertson was "a wretched creature," and that he had no shame and no feeling, and that you did everything but kick him?—When I was under the impression that Lieutenant Harran was a friend of Captain Robertson's I used to speak pretty freely, and perhaps very unguardedly; I have said, in allusion to circumstances connected with the Dickson affair, to Mr. Harran, "Now you are an old friend of 'Inches's,' go and try and make him do something; he is so awfully stupid and thick-headed that I cannot sometimes make him grasp my meaning, and I cannot speak out on the subject for obvious reasons; I wish him to do what is right, but he seems so dull, and I have got into such a rage with him at times, that I quite lose my temper; I want to get him right, if I can." These conversations took place when I believed Mr. Harran was a friend of Captain Robertson, and I used to say, "Come now, Harran, we must stir up this old fellow;" what I said was said in a friendly way, not in any way hostile to Captain Robertson; I never had a view to do him any injury. Did you recollect making use of those expressions when dining with Mr. Harran and Lieutenant Wright, and if so, at what time?—No, I began to see that Mr. Harran was not a friend of Captain Robertson's about this time, and I think I was rather more guarded afterwards; I cannot swear that it was not so, but I don't think it was probable. Did you, during the summer of 1861, express any opinion to Adjutant Harran relative to Captain Robertson's alleged profligacy?—Mr. Harran used frequently to make allusions to Captain Robertson's goings on down town. But the question is, did you ever express an opinion to Adjutant Harran?—No, sir; I might very frequently have said that I did not care twopence about his profligacy, or that I did not care to hear about it. I may have said, if he is so profligate as he is alleged to be, he should be a little darker, and keep his games to himself, or words to that effect. That is, if he was so profligate as I was led to suppose. Did you ever say to Lieutenant Harran you could not see the reputation of the regiment suffer through Captain Robertson's misconduct?—I frequently said to Mr. Harran, "Tie him up; make him do something for the credit of the old corps; pitch into him," or something to that effect, in relation to the Dickson affair.

TWENTY-THIRD DAY—FRIDAY, MARCH 14TH.

Major Jones, 4th Dragoon Guards, was recalled at the opening of the Court. President: The Court are anxious to see your note-book again, Major Jones. The diary or note-book was produced, and the Court was cleared, and re-opened shortly before one o'clock. President: Major Jones you stated in your evidence yesterday that you made the second part of your note respecting the archery meeting of the 6th of July after that meeting was over; how long after that meeting was that entry made? Major Jones: I think it was made on the same evening, or on the very next morning; I was first making some entries, and I jotted down what happened. Who returned in the drag from the archery meeting on the 6th of July besides Captain Robertson and yourself?—Mrs. Robertson, with whom I was sitting, and the man, Mossom. I was sitting on the second seat with Mrs. Robertson, just behind Robertson. Were there no other people?—No, there were no others. I remember Robertson asked me "Will you sit on the box seat, Jones?" How many seats were there?—The box seat and the seat behind it, a third seat facing the guard's seat, and the back seat of all; there were four seats altogether. By Colonel Brownrigg, with the permission of the Court: With whom did you go to the archery meeting early in the month of July, 1861?—I intended to have gone down in Captain Robertson's drag, myself and Mr. Farquhar, but the drag was late and we walked on. We did not go in the drag at all to the archery meeting. President: Did you walk all the way?—I am not quite certain whether we got a cab at the Town-hall or not; I will not swear whether we got into a cab at the Town-hall or not: I rather think not. The Town-hall in Birmingham is about half way between the Barracks and where the archery meeting was held. Where was the archery meeting which you have alluded to held?—At the lower part of Edgphaston, just outside the town.

Private George Mossom, 4th Dragoon Guards, sworn and examined by Captain Robertson. Were you my servant in the summer of 1861?—Yes. Do you recollect going to an archery meeting in the summer of 1861, in my drag, with Mrs. Robertson and me?—Yes. Do you recollect Major Jones returning with Mrs. Robertson and me from the archery meeting, in the summer of 1861?—Yes. Do you recollect whether Major Jones returned from an archery meeting with Mrs. Robertson and me on a second occasion during the summer of 1861?—He did, sir. Can you state about what time of the summer of 1861 Major Jones returned with Mrs. Robertson and me from the archery meeting?—I can't say as to the exact day; it was some time in the middle of the summer. By the Court: Do you know how many archery meetings there were at Edgphaston, near Birmingham; whether they were only occasionally or constantly during the summer?—Constantly during the summer, but there were only a few large ones. Captain Robertson?—General Gordon, I now propose to call Mrs. Robertson as a witness to corroborate Major Jones. Mrs. Robertson will state that she has a distinct recollection of the return of Major Jones, on the 6th of July, 1861, from the archery meeting, on my drag, with her and myself; that she can fix the date by the fact that it was the last archery meeting she attended; and she will produce a note-book, in her own handwriting, in which there is an entry, written at the time, under the date of the 6th of July, 1861, stating that Major Jones returned with her and me. She will also state that on another occasion he returned with her and me. I think it right to lay this before the Court, and to ask their permission to give this evidence. President: Is your wife admissible as evidence in your own case? Captain Robertson: As far as I am concerned I am quite satisfied with Major Jones's evidence, but Major Jones wishes it. President: You propose to call your own wife in your own case. I think it is not legal. I will not now pronounce an opinion without consulting the Court. Captain Robertson: Major Jones wishes that she should be called. President: The question is, do you demand, as a matter of right, to call your wife as a witness? Captain Robertson: No, I don't demand it; Major Jones is anxious to have his evidence corroborated, and I know she can corroborate it, from a diary kept in her own handwriting, and it is for his sake that I would press the matter. President: I asked you the question, who was your next witness, and you say you propose to call your wife. I tell you I think your wife is not an admissible witness; perhaps you may consult the gentlemen who are sitting beside you as to whether you have a right to call upon your wife to give evidence. Captain Robertson: They were the parties who suggested it to me. President: Do I understand you to say that they told you that you have a legal right to call your wife as a witness? Captain Robertson: No, sir. President: You mentioned something about a note-book being put in? Captain Robertson: A diary. President: It occurs to me that if you wish that put in it can be put in by a third party, who can prove the handwriting. I see no objection to that,

but there may be an objection to it. Captain Robertson: Colonel Gordon, the Court is an anomalous tribunal, and is governed by peculiar rules. I don't think there is anything to render my wife inadmissible as a witness, as a wife is admissible in all cases except in cases of a purely criminal nature. President: I don't know what you mean by "an anomalous tribunal," or by the Court being "governed by peculiar rules." It is a court appointed by law, the same as other courts.

The Court was cleared, and adjourned till two o'clock. The President, on the re-opening of the Court, said: Captain Robertson, the Court have had under consideration your proposal to call Mrs. Robertson as a witness, and they have decided that as the prisoner states that the evidence of his wife is not necessary for his defence, but that he only proposes to call her at the request of Major Jones, the Court do not think it desirable to admit her as a witness on the trial of her husband.

Veterinary Surgeon Luke Byrne, 4th Dragoon Guards, sworn and examined by Captain Robertson: Had you any communication with Adjutant Harran in the months of June or July, 1861, respecting your associating with me, and if so, state what it was?—I had; I am not sure of the exact date, but it was, as far as I can tax my recollection, about two months before we left Birmingham. The Adjutant told me that he was desired by Colonel Bentinck to tell me that he saw me frequently speaking to Captain Robertson in the barrack-yard. He told me that my doing so was objectionable, that the Colonel was trying to get Captain Robertson out of the regiment, and that the fact of my associating with him was undoing what he was trying to do; he then recommended me to discontinue all communication with him. Did you ever relate to Adjutant Harran various acts of a private nature which occurred in the neighbourhood in which you and I lived?—I did tell Adjutant Harran that I heard various reports in connexion with Captain Robertson from time to time. My object in doing so was not for the purpose of circulating any reports prejudicial to Captain Robertson, but I wished to satisfy myself and ascertain the truth of them if possible, and so act accordingly. Did you ever endeavour to satisfy yourself as to the truth of them, and if so, state what was the result?—I did. I took every means in my power to ascertain the truth of them; and the more I enquired the more I was satisfied of their untruth. Did you ever say to Adjutant Harran that the way in which my conduct was talked about was extremely painful to your family, and that in fact it was the talk of all classes in Birmingham, and that even the common working people were talking about it, or any words to that effect?—I did mention to Mr. Harran that the reports I heard were spoken of in the neighbourhood where we lived, and that it was unpleasant. I told him, I think, also, that if I could discover their truth, it would be unpleasant to me and my family to associate with him. Did you say anything about it being the talk of the common working people?—I did; I heard that the working people were talking invariably about him. Have you and your family always continued on terms of intimacy with me?—We have. Did you ever do any act, or circulate any report for the purpose of creating a prejudice against me?—Never. Did Major Jones speak to you as to your signing the document reflecting on my character?—He did not. Did you ever mention to him the subject of such a document being in existence? I did; I have had frequent conversations on the subject. President (on the next question being handed in): Captain Robertson, your questions now must be confined to meeting the evidence given by the prosecutor's witnesses, or his rejoinder. Captain Robertson: This question is in reference to a question asked Major Jones. President: If it has reference to that, you are quite at liberty to ask it. The question is, state what he said to you respecting that document? Witness: In any conversation I have had with Major Jones on the subject he always disapproved of it, and said he would never have anything to do with it.

Captain Robertson: I now beg to tender in evidence the memorandum-book kept by Mrs. Robertson. I think you mentioned there was no objection. President: You said something about a diary kept by Mrs. Robertson in her own handwriting. We have had diaries produced by witnesses to refresh their memories. If you had produced any witness who had a diary, the witness would be allowed to refer to it, but the putting in of a document in that way I never contemplated.

Captain Robertson: General Gordon, I have now closed my evidence, and I trust the Court will kindly give till Monday next to prepare my reply. President: Then you wish the Court to adjourn to give you time to prepare some remarks upon the evidence which has been given by the prosecutor in his reply, and by your witnesses on your rejoinder, and you apply to the Court to adjourn to Monday next, this being Friday?—Captain Robertson: Yes, sir. Colonel Brownrigg: I regret to state, that in consequence of the evidence that has been given by Major Jones, I shall be compelled, with the sanction of the Court, to produce two evidences, to rebut the evidence

given by him. President: are you prepared to show that the evidence given by Major Jones, or any witness now produced by Captain Robertson, is wholly incorrect, or is it that you wish to set up the original case made by you? Colonel Brownrigg: No; I wish to prove that a certain statement of Major Jones, as to a date, is wholly incorrect. President: Do you propose to call witnesses? Colonel Brownrigg: I propose to call two witnesses. President: Is it any new evidence? Colonel Brownrigg: Yes; Major Jones has stated that he did not return from an archery meeting, with Lieutenant Wright and Lieutenant Harran, early in July. I am prepared to prove, by the officer who saw him, that he did return. President: You brought forward evidence in reference to the archery meeting Colonel Brownrigg: Yes, but it was collateral evidence; it was evidence to prove that Lieutenant Rintoul could not have spoken to Colonel Bentinck about a certain document early in June. I proved that there was an archery meeting early in July, and that it was at that meeting the document was first spoken of. Major Jones has stated that he did not return with Lieutenant Harran and Lieutenant Wright, and I am now prepared to prove that he did so. President: Colonel Brownrigg, I would remind you that you stated you could call witnesses to rebut the statement of Lieutenant Rintoul, and you have called no witnesses at all. Colonel Brownrigg: I have called witnesses to prove that it was impossible he could have spoken to Colonel Bentinck on the subject, because the document was not then in existence. President: One of the witnesses proved that it was in existence. Colonel Brownrigg: Oh, no. Captain Robertson: General Gordon, I think Captain M'Donnell did. President: What is your proposal, Colonel Brownrigg? Colonel Brownrigg: My proposal is to call witnesses to rebut the statement made by Major Jones in his evidence, that he did not return from an archery meeting with Lieutenant Harran and Lieutenant Wright early in July. President: But that is rather going into the original question; do you mean distinctly to impugn the credibility of Major Jones? Colonel Brownrigg: Unquestionably I do. Captain Robertson: General Gordon, the observations now made by the prosecutor show that the fixing of that date was an important part of his case, and all the evidence on that subject should have been then produced. Colonel Brownrigg: I submit it does not show anything of the sort. President: Colonel Brownrigg's request now is, that he may impeach the credibility of a witness that you have produced in answer to one of his witnesses. That is a question the Court will decide. The prisoner has not finished his rejoinder; he has some remarks to make on the new evidence you have given, and, therefore, before you take any further step, we must get whatever remarks the prisoner has to make. Captain Robertson: General Gordon, I respectfully submit that no evidence should be admitted upon a collateral matter, like the one now in question. Colonel Brownrigg: It is not a collateral matter. Major Jones has made a statement, and I can produce a witness to prove that that statement is untrue. President: Is that all? Colonel Brownrigg: That is all. President: Captain Robertson, the time for that, if the Court allow it, will be when you make your rejoinder. You have applied for an adjournment till Monday to prepare your remarks. The Court will take into consideration your application, and let you know the result.

The Court was then cleared. The President, on the Court having been declared again open, said: Colonel Brownrigg and Captain Robertson, the Court have decided that the prosecutor may call witnesses to impeach the credibility of the statement made by Major Jones, relative to his return from the archery meeting on the 6th of July, when giving evidence on behalf of the prisoner; but that the prisoner may make his remarks in completion of his rejoinder, if he should think fit to do so; and the prisoner will also be at liberty to bring forward witnesses to sustain the credibility of Major Jones's statement, if he can do so. The prosecutor and the prisoner are both to understand that the evidence must be entirely confined to the statement of Major Jones.

Colonel Brownrigg: General Gordon, since the court has been cleared it has been suggested to me that, in an answer I just made to a question of the President, as to whether I impugned the veracity of Major Jones, I conveyed the impression that I did so in the broad and general acceptation of the term. I have no hesitation in saying that this was not, in the least, my intention, and that I meant nothing more than that I believed Major Jones—to the best of his belief doubtless—was inaccurate as to a certain transaction, and I have witnesses to produce to show he was in error. I withdraw the word "untrue," in reference to Major Jones's evidence in any manner, having been informed that I made use of such a word.

Captain Robertson: In consequence of the decision at which the Court have arrived, I would, at the proper time, respectfully request that Mrs. Robertson be allowed to be examined as a witness in reference to the return of Major Jones from the archery

meeting on the 6th of July, 1861. President: You can make an application to the Court on that question at any time. Captain Robertson: I wish Colonel Brownrigg to go on with his evidence—of course, subject to my objection.

Paymaster John Biggs, 4th Dragoon Guards, was then called, sworn, and examined by Colonel Brownrigg: Do you remember the occurrence of an archery meeting in Birmingham early in the month of July, 1861?—I do. Do you remember seeing Major Jones in Lieutenant Wright's carriage with Lieutenant and Adjutant Harran, driving home from that archery meeting?—I saw Major Jones, Lieutenant Harran, and Lieutenant Wright driving home in Mr. Wright's carriage from an archery meeting in the summer of 1861, and I believe it was in the beginning of July. What description of carriage was it?—A four-wheeled phaeton. By Captain Robertson: Were you present at the archery meeting of which you are speaking?—I was. How did you return from it?—I think I most probably walked. I am not certain. Will you undertake to state positively that you walked home from it?—I cannot for certain. Were you at more archery meetings than one in the summer of 1861?—Yes. At how many were you?—Eight or ten, I should think. During what months?—May, June, July, and August. Have you any memorandum or diary to fix the date when you saw Major Jones returning from the archery meeting?—None. Was there anything remarkable in Major Jones returning with the Adjutant and Mr. Wright that impressed the matter on your memory?—I remember that the three officers were present at a certain archery meeting, and that several allusions were made to the private affairs of Captain Robertson, reflecting discredit upon him, and in returning to barracks the next morning Mr. Wright informed me that they had, between them, agreed that a letter should be written to Colonel Bentinck requesting him to lay the subject of these reports and of the Dickson affair before the Commander-in-Chief. Had you many conversations about that letter—the one about which you have given evidence—with Mr. Wright?—That was the first time I heard of the letter being spoken of. Captain Robertson: I submit, General Gordon, that that is not an answer to the question. (Question repeated.) Witness: Afterwards—after that time I had—no doubt of it. Were you speaking to Major Jones, the Adjutant, and Mr. Wright, on the occasion of their being in the dog-cart?—No. Where did you see Major Jones, the Adjutant, and Mr. Wright, on the occasion of which you have spoken?—Driving from the field in which the archery meeting was held. Did you see those three officers at any other archery meeting?—I think not. Did you see any drag at that meeting?—I cannot be certain; I think not. Have you been speaking to Adjutant Harran on this subject since Major Jones gave his evidence on yesterday?—Yes. Will you state positively that it was from the meeting which took place on the 6th of July, 1861, you saw Major Jones return in Mr. Wright's carriage?—I will not swear to dates.

TWENTY-FOURTH DAY—SATURDAY, MARCH 15TH.

Paymaster Biggs, 4th Dragoon Guards, having been recalled, Colonel Brownrigg said: I consider it my duty, with the permission of the Court, to read a statement in reference to a written statement which I put in on yesterday concerning Major Jones's evidence. President: Had you not better allow the evidence of this witness to be concluded? Colonel Brownrigg: Very well, then; may I be allowed to put it in afterwards? President: The witness is under cross-examination by the prisoner. Colonel Brownrigg: I thought he was under examination by the Court.

The cross-examination of the witness was then resumed. Witness: May I ask to have the last question and answer of yesterday read over? The Judge-Advocate read the question and answer as follows: Will you state positively that it was from the meeting which took place on the 6th of July, 1861, you saw Major Jones return in Mr. Wright's carriage?—I will not swear to dates. Witness: I am perfectly aware of the archery meeting itself, but that archery meeting did not take place on the 6th of July. President: But you have stated that you cannot swear to dates?—Witness: There is a great deal of difference about this archery meeting of the 6th of July. President: But you were called on to settle this date?—Witness: No, I beg your pardon, sir; I understood that I was called to prove that I saw Major Jones coming up with Adjutant Harran and Mr. Wright. Colonel Brownrigg: I beg to observe that I have fixed the time of the archery meeting as having been "early in July;" I never mentioned the 6th of July. Captain Robertson: I think, sir, Mr. Wright and Mr. Harran stated that it took place on the 6th of July. Colonel Brownrigg: No; I don't think they did. (The answer of witness read over). President: What do you wish to add to your answer?—Witness: I did not think it necessary to explain that the archery meeting did not take place on the 6th of July, but that it took place early

in July, and not on a particular date, until my attention was called to part of the evidence. I can also state that the meeting did take place on the 6th of July, at Edgepheston. By Captain Robertson: Who pointed out the evidence to you since yesterday?—Mr. Wright. Did you know, when under examination yesterday, that the archery meeting did not take place on the 6th of July?—I did. When did you first learn that fact?—About two days after Mr. Wright was first examined, two or three days. At how many archery meetings were you during the month of July, 1861?—I think the exact number was seven; I said yesterday eight or ten. President: Your answer yesterday referred to the whole period. Now, what do you refer to?—Witness: I attended only one in July; there was only one. In May, June, July and August, I attended almost all of them; in July I attended only one, there was only one. When did that one meeting take place?—On the 12th of July. Did you tell this date to Adjutant Harran? Witness: At any time! President: At any time?—Yes. When did you tell it to him?—I was talking to him on the subject a little before Mr. Wright was examined. President: The question is, when did you tell him? and your answer is, "you were talking to him;" then did you tell him?—Witness: No; I did not tell him then. What date was it?—I think it was about the day after I received the information; by referring to a letter I find that I should have told him on the 11th of March this year. Did you tell it to Mr. Wright?—Yes, sir, I think I did. When did you tell it to Mr. Wright?—I think on the same day that I told it to Mr. Harran. Give the date of the time when you first read of the suggestion of the letter reflecting on my character?—On the 13th of July, 1861. Do you know whether there were any "practice" archery meetings in the month of July, 1861, before the 12th of that month?—No, sir, there were not; there were no general meetings; of course the members practice every day—I mean a meeting called by some committee; I take that to constitute a meeting, when a meeting is held; of course two or three people going down to practice is quite a different thing altogether; if he means that, there may have been meetings every day; but if he means a meeting called by the committee of the archery club, then there were no meetings. Do you know whether the archery meeting, which you say was held on the 12th of July, 1861, was an adjourned meeting?—No, sir, it was not. Who drove Mr. Wright's carriage on the occasion when you saw Major Jones, Mr. Harran, and him return from the archery meeting?—Mr. Wright himself. Did you see my drag at any archery meeting in the month of July?—No, sir, I think not. How near were you to Mr. Wright's carriage at the time you saw the party returning from the archery meeting?—Twenty or thirty yards off, I should think. Did you, in the month of June, July or August, 1861, see among the officers, a document which reflected on my character?—Yes. Did you sign that document?—I respectfully decline to answer that question. Colonel Brownrigg: I beg the Court's pardon, but I think the decision the Court came to yesterday was, that no question was to be entered into but the date of Major Jones's return from the archery meeting. President: Yes, that was the arrangement—that the questions should be confined to the question of impeachment brought before the Court in relation to a certain statement; but this is not Captain Robertson's witness, he is your witness, cross-examined by Captain Robertson. The Court will not allow either of you to put any questions to your own witnesses except in relation to that statement. Captain Robertson: There was no such understanding on my part, and if I thought there was I would have respectfully protested against it. By the Court: How can you fix the date of the archery meeting as being on the 12th of July?—By a letter which I have received from the secretary of the society, and also by a printed card of the meeting. (Letter dated 10th March, 1862, and card of archery meeting produced.) How do you know that the letter is from the secretary?—I know his handwriting; he is a friend of mine. President: How do you verify the card as being one of the cards of the meeting?—It has got some of the same handwriting on it, and I recognise it as a fac simile of one which I had myself.

The Judge Advocate read the letter, dated Edgepheston, 10th March, 1862, which was addressed to the witness, and stated that the band of the 4th Dragoon Guards played for the Archery Society on the 24th of May and the 12th of July. There was no meeting on the 6th of July. The card was also read and put in. On what part of the archery field were you when you saw Major Jones in Mr. Wright's carriage?—I should think just outside the railing that separated the archery ground from the field—just where the carriages had assembled to take the company away. Was the practice going on at the time, or was it finished for the day?—It was finished. Were you in company with any one at the time?—Yes; I think I was, but with whom I cannot say; I was with the general company talking to them at the time, as they were all dispersing. Who were you talking to?—I have stated that I cannot name any particular person. Where was Major

Jones sitting on Mr. Wright's carriage when you saw him coming from the archery meeting!—On the driving seat to the left of Mr. Wright. Had Mr. Wright's carriage started at the time you speak of?—I saw it start; I cannot say whether they were moving when I saw it, or whether they were getting on it. President: You say you saw it where the carriages were assembled; I want to know whether the carriage had started, or whether it was with the others before driving off?—Witness: I should say, at the moment when I saw them, it had not started away, but started away immediately afterwards. Were you twenty or thirty yards from it at that time?—I might have been nearer to it, as I was moving about among the carriages. Did it start whilst you saw it—did you see the carriage *bona fide* off with Major Jones on it?—I did. You stated yesterday that you did not recollect how you returned from the archery meeting; what then makes you remember so accurately the manner of Major Jones's return?—Mr. Wright had a white hat on and a light-coloured coat, and Major Jones had a light coat and a white hat on. President:—I don't think you quite understand the question—the question is, you stated yesterday that you did not recollect how you returned from the archery meeting; what, then, makes you remember so accurately the manner of Major Jones's return?—Witness: I connect it with the fact of Mr. Wright telling me the next morning that the conversation about the letter took place on the way home. Did you then understand that a letter of such importance was decided upon merely by the Major and two subalterns?—I did. What sort of a carriage did Captain Robertson drive on that occasion?—To the best of my belief it was a mail phaeton. Did Captain Robertson drive his drag either to or from that meeting?—Not that I know of; I did not see him. Do you know whether any *fete* or meeting took place in the neighbourhood of Birmingham on the 6th of July?—Not that I know of; I was away on that day—I was away on the 6th of July. When you lived at Edgephoston, at Birmingham, how far were you from the archery ground?—I lived about a mile from the archery ground. Do you recollect whether Captain Robertson was present at the archery meeting on the 12th of July, 1861?—He was. How did he return, and who were with him?—I did not see him returning—I believe Captain and Mrs. Robertson; I know the party consisted of these; I did not see them arrive. Is there any archery ground in the neighbourhood of Birmingham besides that of Edgephoston?—Not that I know of. Did the band of the 4th Dragoon Guards play on the day that Major Jones, and Lieutenants Wright and Harran drove together, as you say, from the meeting?—Yes. Did Mr. Wright's carriage go under the name of drag, or dog-cart, or phaeton; can you describe it accurately?—It was a four-wheeled carriage without a head, the front seat being rather broader than the back, both seats facing the same way. President: Which way did the behind seat face?—Not back to back. When you saw it they were not back to back?—Not back to back. President: It was a four-wheeled dog-cart, in fact?—Yes. I am not quite certain what it would be called, but I would call it a phaeton. Were you at the time before or behind the carriage, or on one side of it?—Behind it. Then had Major Jones his back to you?—Yes, sir. Were Mr. Harran and the servant so placed as to be between you and the person you say was Major Jones?—Witness: When I say behind I mean the person did not go straight away from me. President: You said you were twenty or thirty yards away?—Yes. President: And then I asked were two persons between you and the person sitting on the left of Mr. Wright?—Yes. Then you did see Major Jones's face?—No. Then what makes you swear to Major Jones?—I am perfectly certain. Yes, but did you see his face?—I have not the slightest doubt about it; he had on a white hat and a light coat, and there were only two with white coats and white hats that I remember at the whole meeting—I saw no more than two. President:—Only two white hats and two white coats (laughter)—do you mean on no other officers?—Witness: No, sir; I mean no one there. Do you know Major Jones so well by sight that you could not mistake him?—Yes. Did you see Major Jones, Mr. Wright, and Mr. Harran ride together from the meeting?—I believe that was the meeting that they drove from. Can you state the date positively?—In my own mind I can positively; I have always connected the archery meeting with the occurrence of the three driving away together. Colonel Brownrigg: May I ask the evidence to show me a letter he has in his possession, and it may save me asking a question? President: He is under examination; I am not quite prepared to answer the question this moment. By Captain Robertson, with permission of the Court: Did you ever think of that occurrence of Major Jones, Mr. Wright, and Mr. Harran returning from the archery meeting on the 12th of July until within the last week?—Frequently. What made you think of it before last week?—Because in my conversations with Major Jones, although he never alluded to that letter to me. President: What letter? There is no letter mentioned in the question; what made you think of it

before last week ! Witness : To connect it in my mind ; there is a document before the Court, the document signed by the officers ; I have always spoken to Major Jones with the impression that he knew and approved of it. What made you think of it before last week ?—I always connected in my mind the fact of those three being at the archery meeting and driving home as the origin of that document. Do you know whether any other document reflecting on me was thought of or drafted before the 12th of July, 1861 ?—Certainly not to my knowledge. Did you ever hear of such a document before the 12th of July ?—No. Do you know that there was a second document reflecting on my character ?—I know that there were two documents signed by the officers, and that they originated on the same date—in fact, the second was a modified one. What was the interval between the preparation of the two documents ?—One was in July, I think—I really can't say for certain. About how long ?—I have said I can't say for certain ; I do not know when the second was written. Did you see both documents ?—I did. When did you see that document which was first prepared ?—Very soon after the archery meeting ; I think in the latter end of August. Did you sign both those documents ?—No ; I did not. Who was the other person that had the light coat and white hat on on that occasion ?—Mr. Wright. Did you see Mr. Owen with me at any other archery meeting in the Summer of 1861 ?—I think he was at one ordinary meeting, but I am not certain ; there was a difficulty in getting strangers into those meetings, which prevented his going early in the season, and, although the officers were honorary members of this society, they were not at liberty to bring friends without special application. When was it that you saw Mr. Owen with me on the second occasion ?—I said I was not certain ; I have some idea that he was at an ordinary meeting, but when I can't say. Have you been speaking within the last three or four days with Mr. Wright's servant concerning that archery meeting ?—I have not. By Colonel Brownrigg, with permission of the Court : Have you a letter from the Secretary of the Archery Club at Birmingham, dated on or about the 3rd inst., and if so, produce it ?—I have, and beg to produce it, and I verify it as being in the handwriting of Mr. Aston, the Secretary of the Archery Society. The letter was as follows :

" Edgepheston, March 3rd, 1862.

" DEAR SIR,—I received your note this afternoon, and now send you a card of last season's meetings. The band of the 4th Dragoon Guards played at the archery ground on May 24th and July 6th."

Why did you write to the Secretary of the Archery Club, and have you a copy of your letter ?—No, I have not a copy ; I wrote because I heard the date of the archery meeting was inaccurate, and that it would be necessary to have it fixed, and thought it would be advisable to have it fixed for a certainty. Did you write a second time ?—I did. Why did you write a second time ?—On receiving Mr. Aston's first letter enclosing the card of the meetings, I was completely puzzled by finding that the date in his letter did not tally with the meetings specified on the card. At first I was led to imagine that it might have been some extra meeting which had escaped my memory, and I was partly confirmed in my idea by the knowledge that there were extra prizes given during those meetings, which prizes were not specified on the cards. The back of the card specifies the prizes to be given at the ordinary meetings, and I thought that there must have been a special meeting of the members for the purpose of giving those prizes ; but, previous to receiving Mr. Aston's first letter, I believed that these extra prizes were shot for at the ordinary meeting, at which the band did not play. I, therefore, wished to have the matter clear in my own mind, in case I should be called before the Court, and I told Mr. Wright, when I showed him the first letter and the card, that I was quite sure there was some error. I, therefore, wrote a second letter, the reply to which is now before the Court. I probably should mention here why I spoke to Mr. Wright about it. It was because I was looked upon as an authority as to the dates of those archery meetings. By the Court : Can you give any reason why the secretary should have named the 6th of July in his first letter ?—Not the least. Would you have been able to fix positively the date of the archery meeting as the 12th of July, 1861, if you had not received the second letter from the secretary, which has been handed into the Court ?—I should not have been able to fix the date as the 12th, but certainly in the first week or fortnight in July. If Major Jones never spoke to you of the document, why should you think that he approved of it ?—Because I think there was—I always spoke to Major Jones with the impression on my mind that it was so, and I think I must have implied in my conversations that he must have known of the document. If Major Jones never spoke to you of the document, why should you think that he approved of it ?—Oh, my reason for thinking he approved of it was that Mr. Wright told me so. Do you mean that you gave

Major Jones to understand that you thought he approved of the document?—I think, in conversation with him, I must have given him that impression, having been talking so much of that affair generally. Did Major Jones never express disapprobation of the document to you?—Never. President: Did the witness state Major Jones spoke to him about the document?—Judge Advocate: No, not about the document. President: Then what does the witness mean by his last answer? The Judge Advocate read the question again. Witness: I thought it improbable we could have had so many conversations without something coming out to show me that Major Jones disapproved of that document, or that I must have conveyed to him that I believed he did approve of it; it was an established fact, in my mind, that Major Jones approved of it; when we were in conversation about the Dickson affair I must have implied in some way or the other, that I must have known of this. President: Not that you knew of it, but whether Major Jones knew of it; your answer does not allude to Major Jones approving of the document. Witness: He did not tell me he approved of the document; I don't think the document, whether he approved or disapproved of it, was ever mentioned. Did you ever have any conversation with Major Jones about the document?—No. In your last answer you say "No." How can you reconcile that with other answers?—I implied, in my own mind. Did Lieutenant Wright tell you on the 13th of July, the day after the archery meeting, that he had driven home Major Jones on the night before, and that the document had Major Jones's sanction?—I believe it was the day after; it might have been on the 14th, but I believe it was on the 13th. Then do you mean, from your general conversations with Major Jones on Captain Robertson's affair, that he thought you knew he approved of the document, and led you to understand so, though the document itself was never mentioned?—I should think so, certainly; that is what I mean to imply. In talking to Major Jones about the affairs referred to in that document, did he express opinions in reference to Captain Robertson's conduct coinciding with the opinions expressed in that document?—Most decidedly. By Captain Robertson, with permission of the Court: If you thought that Major Jones always knew of and approved of that document, why did you not speak to him about it?—I cannot give any reason; there was no occasion to do so. From whom did you hear that it would be requisite to have the date of the archery meeting fixed?—Mr. Wright, I think, when it was expected he would be required in the court. When did you first speak to Mr. Wright on the subject of the letter you first received from the Secretary of the Archery Club—the letter dated the 3rd of March?—It would have been on the 4th, the day I received it. Are you very short-sighted?—Rather. Do you use an eye-glass?—Yes. Captain Robertson asked to have Mr. Wright's answer to the question—"Can you fix the date in which that letter was first talked about," read. The Judge Advocate read the answer, stating that Major Jones fully approved of the letter, but that he said, from his position in the regiment, he could not sign it.

Private Wall, 4th Dragoon Guards, sworn and examined by the Prosecutor: You remember driving home from an archery meeting with your master, Lieutenant Wright, in the month of July?—Yes; I remember, sir, about that time. Were Major Jones and Adjutant Harran present on that occasion?—Yes sir, on that occasion. What makes you remember that it was in the month of July?—Because I had the carriage there, and I was obliged to put up my horse at an inn not a great distance off. Have you any account-book to show what you paid for putting up your horse on that occasion?—Yes sir. (Produces book.) Captain Robertson objected to the reception of the document. The President said the Court would make the inquiry about the book before they decided whether it would be received or not. In that book you now have a copy of the entries made in the old book you had at Birmingham?—No, sir, it is a copy of a leaf I was obliged to tear out in making up the month's accounts, in consequence of having let some ink drop upon it, but I made a correct copy of it before destroying the other; it is not a copy; it is the book that I had at Birmingham in which the July accounts are entered there; I was obliged to tear out the leaf, as I said before, on which some ink got, of which a correct copy was made in the book before it was destroyed. When did you make the copy?—It was since I came to Birmingham, sir: at least since I came to Dublin, sir. Can you remember when?—It was before the 14th of December, I know. Why do you know it was before the 14th December it was made?—Because I went on furlough on the 14th of December, and returned on the 14th of January. Can you state how Major Jones and Lieutenant Wright were dressed on returning from the archery meeting on that occasion?—I can state how Major Jones was dressed, so far as he had on a white coat and a white hat; I can't remember anything else particular. Did Captain Robertson's carriage put up with your horse during the archery meeting in July, 1861?—Yes, sir, he did; it was not a carriage, it

was a phaeton; his servant brought it there, so that I supposed it was his. Was Captain Robertson's carriage a drag or a small open carriage, and how many people was it calculated to hold?—It was a phaeton, sir—a small two horse phaeton; there were four persons in it on this day when it arrived at the archery ground. President: the question was, how many people was it calculated to hold?—Well, it held four on that occasion; I cannot say how many it would hold. How many seats had it?—Two, sir; the front seat and the back. Did you see Captain Robertson arrive at the archery meeting in July, and if so, state who were with him on the occasion you allude to, when you put up your horse?—I “seed” Captain Robertson arrive at the archery meeting in or about July. Captain Robertson, Mrs. Robertson, Mr. Owen, and Captain Robertson's servant arrive there.

President: Captain Robertson, before you put any question to this witness, I propose to put a few questions about this book; there is a doubt whether it should be received. Does the entry in your book, “horse put up, 3s.,” refer to the day of the archery meeting to which you have alluded?—No, sir, only one shilling; I put the horse up three times. What is the meaning of the entry the third below “July,” opposite the entry of “horse put up”?—It means three times, or third time—properly speaking, three times. Is the entry for the month of June part of the general account?—Yes, sir, it is; that is the only book I have had since I have been with Mr. Wright. What were the two other occasions of putting up your horse in July?—I can't remember the occasions, sir; I remember that one particularly. President: Captain Robertson, do you object to this book being received?—Captain Robertson: Well, sir, I don't think it is quite the thing, as there seems to be an uncertainty with regard to the tearing out of leaves. Perhaps the Court would postpone considering the matter until we ask a few questions. President: I think the Court had better decide this. I have examined this book, and the two senior members of the Court are of opinion that it should not be received in evidence, on the grounds that the entries in the month of July were not made at the time, but were made afterwards, and we have no evidence to prove that they are exact copies of the original entries; it gives no date at all. Captain Robertson: The entry was made six months afterwards. President: The Court will not receive it in evidence. Colonel Brownrigg: Very well. By Captain Robertson: At what inn did you put up your horse on the occasion you have spoken of?—I don't know the name of the inn, or what it is called, but I know it belongs to the same man who keeps the “Hen and Chickens” in Birmingham; it belongs to the same man, at least I was told so by the ostler; I knew the ostler previous to that in the other establishment. Did you on any other occasion put up your horse at the same inn with mine in the summer of 1861?—Not that I remember, except that one time. Why do you particularly remember that occasion of putting up your horse?—Because I asked Captain Robertson's servant, as it was the first time I put up my horse at the archery ground, if he knew where I could get a place, and he directed me to this place, and immediately afterwards came himself with his carriage. Was the archery meeting that was held on the day on which you put up your horse a prize meeting or a practice meeting?—I should say it was a practice meeting; they practised with their bows and arrows (laughter); I don't know what you call it; I should think it was a practice meeting; it was practice, at all events. President: Was the band playing?—Witness: Yes, sir; the band was playing on that occasion; they may have won prizes by their practice at that time (laughter). By Captain Robertson: Was it a grand meeting?—I don't know what is a grand meeting, sir; there were a great many meetings; I know our band played there on that occasion—played rather late on that occasion. You say Mr. Owen arrived at the archery meeting with Mrs. Robertson and me—did he go there in my phaeton with Mrs. Robertson and me?—Yes, sir, certainly so, on that occasion. Do you know whether Mr. Owen returned on that occasion in the phaeton with Mrs. Robertson and me from the archery meeting?—No, sir, I do not. How was Mr. Wright dressed on the occasion of the archery meeting of which you have spoken?—I have already said, sir, I did not notice. Have you spoken to Adjutant Harran about this subject within the last three or four days?—Yes, sir. Have you spoken to Mr. Wright and Colonel Bentinck, or either of them, within the last three or four days?—I have not spoken to Colonel Bentinck in particular; Mr. Wright asked me if I remembered the occasion of Major Jones coming back from the archery meeting; that is all the conversation that passed between Mr. Wright and me, and without any hesitation I said “yes.” State why you recollect Major Jones wearing a white hat and white coat on his return from the archery meeting on that occasion?—Because he was walking about on the ground, and I took particular notice of him; he was walking about on the ground before I arrived at the archery meeting upon the carriage. President: Explain what you mean. Witness:

I saw him walking about on the archery ground at the time we arrived with the carriage. Did you see any other person at that archery meeting with a white hat and a white coat?—I may have seen, but I did not take particular notice of any one in particular; I did not know any one else there in particular, except Major Biggs, and I was not interested in people I did not know. Was it upon the occasion that you put up your horse at the same inn with my servant that Major Jones returned from the archery meeting with your master, as you have spoken of?—Yes, sir, it was on that occasion—on that day, rather. How often did you return home with your master from archery meetings in the summer of 1861?—I can't remember but two, sir; I have a slight recollection of another. Have you always been a private soldier?—I have been a corporal, sir, once. President: Were you a full or lance corporal?—I was a lance corporal. Were you reduced, or did you resign?—I was reduced. Did Major Jones ever have you punished or reprimanded for bad conduct when he was captain of the troop to which you belong?—Never, sir, never.

TWENTY-FIFTH DAY—MONDAY, MARCH 17TH.

Colonel Brownrigg, at the opening of the Court, begged to state, in reference to the return of rides handed in on a previous day by Adjutant Harran, and in which an error was subsequently discovered, that it was prepared for him, and that until asked for by him it was not considered to be necessary to be produced, or to verify it before the Court. He thought it only fair towards Adjutant Harran to make that statement. President: have you any evidence to give on the subject? Colonel Brownrigg: No. It is a mere statement that I wish to make, that it was a private return prepared for me.

Adjutant Harran's evidence was then referred to, and read by the President, in reference to the return. Having read the question and answer, the President said—that document was handed into the Court; it was important to show that no officer's ride had taken place after the 15th of May, and this return purports to show that there was no officers' ride after the 15th of May, and Mr. Harran put it in as having been extracted from the regimental order-book. The Prosecutor called for it, and Mr. Harran signed it on the table; I told him he should sign it, and he said he had signed it, and it was wet when he gave it to me; it was afterwards that a member of the Court discovered an error which was calculated to mislead. Colonel Brownrigg: and I put in the statement I did to-day because Mr. Harran was desired by me to put in that document. It was a private document, and until he came here he did not know it would be called for; otherwise, no doubt, he would have had it verified, by comparing it with the regimental order-book. I thought it due to Mr. Harran to mention this. Judge-Advocate: If I recollect aright, I think I told him to sign it. President: A person should be very careful when putting in a document before a court-martial. Colonel Brownrigg: It was my fault. President: I think it is as well to let it alone. It is just as it was before. A document was put in before the Court which was not correct. Colonel Brownrigg: Unintentionally.

Mr. G. L. Aston, Secretary to the Archery Club, called, sworn, and examined by the Prosecutor: Are you Honorary Secretary to the Birmingham Edgephoston Archery Society?—I am. Be good enough to look at the two letters and the card fixing the archery meetings at Birmingham for the summer of 1861, and state whether they were sent by you to Major Biggs?—They were. Was there an archery meeting at Birmingham, on the 6th of July, 1861?—No, sir. Can you explain to the Court how it occurred that, in your letter of the 3rd instant, you fixed the 6th of July, 1861, as the day on which the band played?—It was simply a mistake of my own, which I was not aware of until after I had received Major Biggs' letter, asking me to explain about the day; I cannot account for it; it must have been an error in writing. Was there any meeting of people on the archery ground, on the 6th of July, 1861, which could be possibly considered as an archery meeting?—No. Could any such meeting have taken place without your knowledge?—No. By Captain Robertson: Have you any memorandum or record of the meetings, showing when the July meeting did take place?—I have, but not here. Does it ever happen that any circumstances arise which induce an alteration in the days of meeting from those fixed on the cards?—On two occasions, last year, such alterations happened; on the 21st of June the evening was wet, and the meeting took place on the following afternoon; and the meeting fixed for the 30th of August took place on the 26th, in consequence of the musical festival. Was there any impression on your mind, when you wrote your letter of the 3rd of March, 1862, which caused insertion in that letter of the date of the 6th of July, 1861?—Not the slightest. By the Court: The date July 6th, appears to have been inserted at a time different from the

rest of the letter dated 3rd of March—how do you account for that?—When I wrote the rest of the letter, I was not quite certain whether the band of the 4th Dragoon Guards played on the 12th of July or on the 26th of August; I therefore made inquiries of other members whether the band played at the prize meeting in August, or at the one in July; I had no doubt as to the date of the meeting in July. If your doubt was between the dates of the 12th of July and 26th of August, why did you put down a different date altogether—namely, the 6th of July?—I did not put the date down at the time, but I took the letter home, put in the date, and forwarded the letter; this, as I said before, I cannot account for; the mistake, I fear, must have occurred from filling in the date afterwards. What days did the band play on?—I am not certain whether the band of the 4th Dragoon Guards played on the 12th of July or the 26th of August, or whether we had a private band. What steps did you take to ascertain the exact date on which the band played?—I applied to the master of the band, and from him I learned, and also from various members of the society. And yet, after applying to various members of the society, you went home and put in a wrong date—how was that?—I was in a hurry, and I filled in the wrong date inadvertently; I was not aware that I made a mistake until I received Major Biggs' letter asking how I accounted for the variation in the dates. Have you letters from Major Biggs making any inquiries?—I have, and beg to produce them. Witness produced two letters in the Court. The first was marked "immediate: if not there, to be opened," and asked to have a card of last year's archery meetings sent by return of post, stating that fixing of the dates of these meetings was of great importance, and also to be informed of the days on which the band of the 4th Dragoon Guards played, and that it was of great importance that the information should be obtained by the following Tuesday. This letter from Major Biggs to the witness was dated the 2nd of March, 1862. The next letter thanked the witness for his kindness, and assured him how useful the card was, and inquired whether the July meeting was a prize meeting, and whether the band of the 4th Dragoon Guards played on the 12th of July. This letter was dated 6th of March.

Examination by the Court continued—How do you account for Major Biggs' letter of the 6th of March being received by you in an envelope with the Dublin post-mark "March 15th," and the Birmingham post-mark "March 16th"?—If I gave them to you so, I must have put them in the wrong envelopes. Then how can you account for the other envelope having the post-marks of "March 2nd" and "March 3rd" respectively of Dublin and Birmingham?—I received, in all, four letters from Major Biggs—one of them on Saturday, the 15th, two on Sunday, the 16th; it was a very private letter; I kept them altogether, and I suppose on reading them I put the letters into the wrong envelopes. Will you produce those other letters?—I can't; I destroyed them.

The Court was then cleared, and on its being again opened, and the witness having taken his position, the President asked—Was there any intention of having an archery meeting on the 6th of July?—No, sir. Had you any idea that the statement you made in your letter would be laid before a Court at any time?—No, not at all. Had you any correspondence with Major Jones, 4th Dragoon Guards, at any time on the subject of the date of the archery meetings?—To the best of my recollection, none. Can you state whether there was no meeting of any kind on the 6th of July?—I said there was none. Did any other archery meeting take place near Birmingham, or at any other place except at Edgephoston?—No; there is another club, but I don't know much about it. Is there another at Edgephoston?—No, sir; it is about two miles on the other side. Does this club ever use the Edgephoston ground?—Never. Going from the barracks to the other archery club would you pass the Town-hall?—No. Did you see Major Jones at the archery meeting on the 12th of July, 1861?—I saw him once or twice there at archery meetings, whether on that date or not I can't say. You can't speak about the 12th of July?—No. Did you see Mr. Owen at the archery meeting on the 12th of July, 1861?—I saw him also on one or two occasions, but I can't say whether I saw him on that day or not. Can you say that Major Jones was at two archery meetings?—I think he was; I could not swear. Was Major Jones in company with Mr. Wright?—That I can't say. By Captain Robertson, with permission of the Court: When did you destroy those letters from Major Biggs to you?—This morning. Did any person suggest to you that they should be destroyed, and if so, name the person who suggested it?—I decline to answer that question, sir. Captain Robertson: I beg to press that question. President: If the question would criminate yourself you are at liberty not to answer it. Witness: It would not criminate myself. President: If the answer would not criminate yourself the prisoner has a right to call upon you to answer it. Witness: They were letters of a private character, and there were one or two expressions in them, not of importance, which

the writer did not wish to be seen, and I destroyed them. Major Biggs did not request me to destroy them. By the Court: When were these letters that you so destroyed received by you?—Both on Sunday; yesterday. Did the letters you destroyed reflect strongly on any officer?—No, sir; neither of them, at all. By Captain Robertson, through the Court: Did both or either of these letters from Mr. Biggs to you, which you have destroyed, refer to the archery meeting or this court-martial?—They referred rather to both. State, to the best of your recollection, the contents of these two letters?—The first was an apology to myself for Major Biggs having been obliged to produce my private letters to him; the second was to express his regret that I had come to-day to this court-martial, and also that certain entries which had been produced were suspicious, not mentioning any name, and asking me to call at a certain hotel in Birmingham, and to ascertain whether certain horses were put up at the hotel in July, and if so, at what date. Was it in order that they might not, if called for by the Court, be produced, that you destroyed those letters?—I refuse to answer that question. President: If it would not criminate yourself. I think you have already told us that you destroyed them this morning?—Witness: It was for that purpose, no doubt. Were the officers of the 4th Dragoon Guards in the habit of attending archery meetings which were not prize meetings?—One or two of them, who were fond of amusement, came several times to the ordinary meetings.

Lieutenant Wright, 4th Dragoon Guards, recalled and questioned by the Prosecutor on his former oath. In your former evidence you have stated that an archery meeting took place at Birmingham on or about the 6th of July, 1861. What made you mention the 6th of that month?—I remembered an archery meeting having taken place during the first part of July, and I fixed the date as on or about the 6th, from a letter which I saw from Mr. Aston, the secretary of the Archery Club, mentioning that day as the one on which our band played; I knew that the last time it played there was in July. Are you now able to fix the date of the July archery meeting positively?—I could not swear to the day, sir. Why did you believe it to have taken place on the 12th?—Because I believe that was the only prize meeting in the month. Did the band play on that occasion?—It did. Was it from that archery meeting, as you have already stated, that Major Jones, Lieutenant and Adjutant Harran, and yourself returned together in your carriage?—Yes. How were you and Major Jones dressed on that occasion?—As far as I can remember, Major Jones had on a light coat and white hat; I think it is very likely I had on one myself; I generally wear one during the summer. By Captain Robertson; Had you any conversation with Major Biggs during the last few days as to the dress of Major Jones and yourself?—I heard Major Biggs say he remembered our wearing white hats on that occasion. Will you state positively that Major Jones had a white coat and white hat on the occasion of the archery meeting in July, 1861?—I cannot state positively. What fixed in your memory the circumstance of Major Jones, as you believe, having a white hat and white coat on that occasion?—No particular circumstance, sir. Did you on the same date on which you saw Mr. Aston's letter see also the card of the meetings of the archery club?—I saw the card of the meetings before I saw Mr. Aston's letter—to the best of my recollection—I forget. By the Court: On what part of the carriage was Major Jones sitting?—He was sitting on the front part with me. Did you drive Major Jones up to the Barracks from the hotel in Birmingham, where the mess was held at the time?—I have driven him frequently. Can you state the day of the week on which the archery meeting took place?—It may have been about the end of the week, about Thursday or Friday, I think, I cannot say positively. By Captain Robertson, through the Court: Did Major Jones, on the occasions in which he went in your carriage always sit on the front seat with you?—I cannot remember. How then can you remember his occupying that seat on the occasion of the return from the archery meeting?—I remember he sat by my side when we were talking about the letter, that is all I recollect about it. Have you read the evidence given by Major Biggs on Saturday last?—No, I have not. Did you hear of that evidence, and that it was stated that Major Jones was sitting on your left?—No, I did not. By the Court: Who went with you to the archery meeting on the 12th of July?—Mr. Harran.

Captain Robertson: General Gordon, there were some doubts as to the existence of an order directing that I should not hold communication with any officer, and the question was held over until after the return of Captain Tempest, who, I believe, is now in town. President: Has he returned? Colonel Fraser: He is away to-day. Judge Advocate: I wrote to him, by your directions, calling upon him for an explanation, and I sent the letter to his regiment. I have received a letter from the Adjutant stating that he was away, but that he was expected the next day, and that he would get the letter on his arrival. President: Let him attend to-morrow.

Colonel Brownrigg: I now request that the Court will be good enough to call on Major Jones to produce the note-book fixing the date of the archery meeting on the 6th of July, and to reconcile that with the fact that no archery meeting took place on the 6th of July. Captain Robertson: General Gordon, I propose to call Major Jones.

Major Jones recalled and questioned on his former oath.

President: We have been receiving evidence with regard to the archery meeting in July at Birmingham, and Colonel Brownrigg, the prosecutor, has put in this request: "I now request that the Court will be good enough to call on Major Jones to produce the note-book which has already been before the Court, to corroborate his statement, that the archery meeting took place on the 6th of July, and that he returned with the prisoner." Major Jones: Well, I can reconcile it in no other way than that such an occurrence was to take place on a certain day; I put it down, and never gave the subject a moment's consideration from that day, or referred to it in any way; that is all I can say. Yesterday morning my servant brought to my memory the fact that he had driven me on one or two occasions, or two or three occasions, to archery meetings, and possibly I might have driven back with these gentlemen on one of those occasions. He stated that he had driven me to the archery meetings in the dog-cart, and that I had sent the dog-cart home, and it is just possible, without my remembering it, that I might have returned with those gentlemen, namely, Mr. Wright and Mr. Harran. I think it right to say so, because my servant brought certain circumstances to my recollection. Do you mean in addition to the occasions on which you returned with Captain Robertson?—I think so, inasmuch as upon one occasion I went down with Mr. Farquhar; if my servant drove me there on one or two, or two or three occasions, that must have been in addition to those occasions that I have already stated in evidence. You have stated in your evidence that you were only at two archery meetings at Birmingham, and that on these two occasions you returned with Captain Robertson?—I believe I have stated so; the archery meetings I meant were great meetings; there were three altogether, but I have not the most remote recollection of having attended a third great archery meeting. The archery meeting on the 12th of July was a great archery meeting, and yet you say you returned with Captain Robertson?—I have reason to believe I did; I think so. You stated that you made a note in your book that you came back in the drag with "Inches and Mrs." on the 6th of July, and now you are not certain. Can you explain this? You said the other day that you put down other notes at the time that you noted about your return from the archery meeting, what other notes did you put down at the time?—"Richmond, Sunday next," is, to the best of my belief, a note put down; it is so long since that I can hardly recollect now what note I put down on that day. I beg to say that I will not swear that that was the note I put down. To the best of my belief it was, but at this remote period I would hardly like to swear. President: Can you swear to any other notes?—I did intend to have gone up to Richmond on a Sunday. I really would not like to swear now at this remote period; I have been constantly in the habit of scribbling things in that book, just as they came to my mind, but I cannot tax my memory now. Do you mean that you intended to have gone to Richmond on the Sunday after the 6th of July, or the Sunday after the day when you came home with the prisoner in the drag?—I think it must have been after I came home with the prisoner in the drag. I will not specify the date at all; I have never considered the subject since I was at Richmond in the summer. Before giving your answer to the Court about your return from the archery meeting, you fortified your recollection by reference to your pocket-book?—My belief has been really shaken by the evidence that has been given; that is the fact. I am perfectly puzzled by the conflicting evidence that has been given; that is the real fact. What information induced you to put down the 6th of July as the date on which the archery meeting was to be held?—I have before stated that the 6th was talked of; I heard of it, but cannot quote the date on authority. From whom did you hear the rumour?—I should be very sorry to state now after this lapse of time. But how can your belief be shaken of the fact of which you made a note at the time in your own handwriting in your pocket-book?—Well, the evidence which has been given has been so very strong that it is almost enough to shake anybody's belief. Do you mean to say you are more inclined to believe what you hear now than what you wrote at the time?—No, sir; I am not more inclined to believe it; but I am not inclined to swear so positively now as I did before I heard the evidence. Can you state when you went to Richmond in the summer?—I know it was on a Sunday, some time in the latter end of July or the beginning of August; I cannot swear to things that I never attached much importance to; I never imagined that they would turn up now, and I cannot swear to the date. You have stated, at the time of your giving evidence that part of the entry was made before

Robertson : I only wish to be informed whether he has brought forward all the witnesses he intends to bring forward. President : He so informed us yesterday. If your witnesses introduce any new matter, it will re-open the question ; but we will prevent you if we can, we hope. Captain Robertson : No, sir ; no new matter.

Captain Robertson applied for permission to withdraw the memorandum which he handed to the Court, and said it was made under a misapprehension. President : No, I won't allow you to withdraw the memorandum. Let an entry be made that the prisoner was told that the prosecution had closed, and that the reply to the defence had closed.

Private William Burrowes, 4th Dragoon Guards, sworn, and examined by Captain Robertson : Were you the servant of Major Jones during the summer of 1861 ?—I was, sir. Did your brother die in the early part of the month of July, and, if so, when ?—On the 7th July, sir. Do you recollect Major Jones going to an archery meeting shortly after your brother's death ?—I do, sir. About how soon after your brother's death did Major Jones go to the archery meeting ?—Two or three days. Did you see Major Jones return from that archery meeting ?—I did, sir. Can you state any reason which makes you remember the return of Major Jones from that archery meeting ?—I can, sir. State the reason ?—When Major Jones was going away to the archery meeting he left his latch-key behind him ; I was a married man, and lived outside the barrack gate, and I did not wish Major Jones on his return to send for me, and I waited at the barrack gate till I saw him return, and I saw him return in Captain Robertson's drag ; the drag pulled up at the barrack gate, Major Jones got down, and I handed him the latch-key. Who were on the drag besides Major Jones on that occasion ?—Captain Robertson, Mrs. Robertson, and Mossom, the servant. Do you recollect whether Major Jones had a white hat on him on that occasion ?—He had not, sir. What kind of a hat and coat had he on on that occasion ?—A dark coat and black hat. Were you in the habit of brushing his clothes and attending to them ?—I was. By the Prosecutor : How do you know that it was to an archery meeting to which Major Jones went two or three days after your brother's death ?—He told me he was going to an archery meeting, and to get his best clothes. By the Court : How many seats were there on the drag ?—I cannot say as to the seats, sir ; I was never on it. How many horses ?—Two, sir. From which seat did Major Jones get down ?—The second seat from the front. Where was the servant sitting ?—Behind, sir. At what time of the day or night did the drag arrive back at the barracks ?—About eight o'clock at night. How did Major Jones go to the archery meeting ?—I cannot say how he went, sir. Had Major Jones a white over-coat at all ?—I cannot say whether he had it that day or not ; he had a white over-coat which he wore on some occasions ; he had not the white coat on when he got out of the drag. Were those four people—namely, Captain Robertson, Major Jones, Mrs. Robertson, and Mossom—the only people in the drag ?—That was all, sir. Where was Captain Robertson's house in Birmingham, with reference to the barracks and the archery ground ?—He had to drive by the barracks to get to his house, but I never knew where his house was.

Private Mossom, 4th Dragoon Guards, recalled, and examined on his former oath by Captain Robertson : Do you recollect an occasion in the Summer of 1861, when Mr. Wright's servant put up his horses at the same stables with me ?—Yes, sir. To what inn did those stables belong ?—"The Plough and Harrow." Was the archery meeting on that day a practice meeting or a prize meeting ?—A practice meeting, sir. Did the band of the 4th Dragoon Guards play at the archery meeting on that day ?—No, sir. Were there many people at that archery meeting ?—No, there were not, sir. Did you drive Mrs. Robertson to that archery meeting ?—I did, sir. Did she go to that meeting by herself, or was she accompanied by any person ?—She went by herself. Was it a phaeton or a drag that you drove on that occasion ?—A mail phaeton, sir. Did Mr. Owen ever go to an archery meeting in the drag or phaeton with Mrs. Robertson and me ?—He did not sir. Can you tell me what time in the summer of 1861 it was that Mr. Wright's horses were put up in the same stables with mine ?—I cannot say ; it was the last day that I had the mail phaeton at the archery meeting. Did Mr. Wright's servant ever put up his horses with mine in the summer of 1861, except on the occasion of which you have spoken ?—Not from an archery meeting. By the Court : Did Mr. Owen ever return in your master's drag or phaeton from an archery meeting ?—He did not, sir. How do you know it was a practice meeting on the occasion which you allude to ?—Because I had got only half way down the hill, going to the field from the "Plough and Harrow," when I met Major Biggs, Mrs. Biggs, and the children, and I had to turn round again to pick up Mrs. Robertson ; Mrs. Robertson was coming up with Major and Mrs. Biggs from the field.

Where did Major Jones and Captain Robertson join you?—They were not with Mrs. Robertson at that time; they did not join us at all that day; the Captain was out with a saddle-horse that day; I gave him the saddle-horse before I came out. What day are you alluding to?—The day I put up at the “Plough and Harrow.” How do you know the band did not play on that occasion?—If it had been there I would have heard it and seen it too, sir. How long were you at the archery field on that occasion?—About a quarter of an hour, at first. What was about the date of the archery meeting you speak of?—I can’t name the date, sir, at all. Can you say whether it was in July or August?—I cannot, sir. Do you recollect every archery meeting, general or practice, to which your master went in the summer of 1861, and the names of those who accompanied him on each occasion, going and returning?—I cannot exactly state those who accompanied him; we went to a great many; I remember the archery meetings, but not who went with us. How do you recollect the one you have spoken of so well, and the details of it so accurately?—Because the Captain came with his saddle horse to where I had put up, and I asked him for money to pay for the horses. Did you see Mr. Owen at the practice meeting you have referred to?—No, sir; I did not. At the archery meeting that the band played at, how do you know they returned—with what carriage?—The drag, sir. Why do you say it was a practice day, because you met Mrs. Robertson and Mrs. Biggs on the hill?—If it had not been a practice day I should have had the carriage on the field; there was generally dancing after the archery was over. When there was dancing, what time was it over?—It was over about six o’clock; the archery was over about six o’clock; the first time I was home from the dancing about nine o’clock; the second time we came home between seven and eight o’clock. What sort of head has the phaeton, if any?—A head that puts up. Had Mr. Wright’s carriage left him there before you drove down towards the field?—It had not. By Captain Robertson, with permission of the Court: Did you see Major Jones at the archery meeting on the occasion on which Mr. Wright’s servant put up his horse with mine?—I did not, sir.

Mr. Frederick J. Owen recalled, and examined on his former oath by Captain Robertson.—At how many archery meetings at Birmingham were you during the summer of 1861?—At one. Did you go to that archery meeting with Mrs. Robertson and me?—I did not. How did you go?—I went in a cab. Did you return from that meeting with Mrs. Robertson and me?—I did not. How did you return?—I left the ground some short time before Mrs. and Captain Robertson to make a call, and I believe I walked that distance, but how I came back the rest of the distance I cannot recollect, but I believe I walked. By the Court: Do you know when the archery meeting took place that you attended?—I do not. How do you know you left the archery meeting a short time before Captain and Mrs. Robertson?—Because I recollect the circumstance; the archery meeting was over; the dancing had finished; the band ceased playing, and I assume they did not stay there long. Are you sure there was a band playing on the occasion you allude to?—Positive. What band was it?—That of the 4th Dragoon Guards.

Serjeant-Major St. Aubrey, 4th Dragoon Guards, called, sworn, and examined by Captain Robertson.—Did Major Jones, when captain of the troop to which Private Ward belonged, ever order him to be punished?—Yes, sir. By the Court: For what was he punished by Major Jones?—For insolence to the sergeant of his squad in Manchester; I don’t know what punishment it was; some slight punishment. Has Private Ward a good conduct stripe now?—Yes. Has Major Jones, since he has been major of the regiment, ever punished Private Ward?—I don’t recollect. Are you the troop sergeant-major of Private Ward’s troop?—Yes. By the Prosecutor, through the Court: You state that Private Ward was ordered to be reprimanded, who reprimanded him?—Major Jones himself, sir.

President: Captain Robertson, are you prepared to make the remarks you asked permission to make? Captain Robertson: General Gordon, I stated that I would ask the Court to permit Mrs. Robertson to be examined; however, after the expression of opinion given by the Court that her evidence would not be admissible in point of law, I will not press the matter. President: The decision of the Court, when you last applied for Mrs. Robertson to be examined as a witness was, that as you found it was not necessary for your own defence, but in order to corroborate Major Jones, they did not think it necessary. If you make application for your wife to be examined you will receive an answer whether or not it will be allowed. Captain Robertson: I feel bound to say that my sole object for asking to examine Mrs. Robertson was to corroborate Major Jones with regard to the date of the 6th of July. That is my sole object. President: Do you call her as your next witness? Captain Robertson: No,

sir, only to corroborate Major Jones. Do you call Mrs. Robertson, or not, as your next witness? The Court have not refused you. Have you any more witnesses to produce in your defence? Captain Robertson: I did think it right towards Major Jones that she should be examined as a witness on my behalf. President: Very well, put that in. Major Jones is not on trial in this Court, and therefore we don't want to receive any evidence with regard to Major Jones, except it is for yourself. We are only trying you, and it is for your defence that you are now calling witnesses. Captain Robertson: I can only add that I consider the matter in controversy, as to the date of the 6th of July, as merely a collateral issue which has arisen in the progress of the case, and that, as far as I am myself personally concerned, I do not require the testimony of Mrs. Robertson.

Lieutenant-Adjutant Harran now appeared before the Court with the defaulters' books, in reference to the punishment of Private Ward. From the entries it appeared that he was "admonished" for being drunk and out of his barracks on the 4th of March, 1858, after watch had set in, on the report of Sergeant-Major Harran, and that on the report of Lieutenant-Colonel Forster he was reduced from lance corporal by order of Colonel Bentinck, but there was no entry in the book of punishment by Major Jones.

Sergeant-Major St. Aubrey was recalled in order to explain relative to the punishment ordered by Major Jones when he was captain of the troop. He said he was aware that there was no entry made, but that was because Major Jones had omitted to comply with the regimental order, which was to the effect that when any officer of the regiment punished a soldier he should send a report of the punishment to the orderly, to be entered on the defaulters' book. Was Private Ward put in the guard-room on the occasion when Major Jones punished or reprimanded him?—No. Then was it a minor offence?—It was a minor offence.

President: Captain Robertson, when will you be ready to make the remarks you have asked permission to make?—Captain Robertson: As evidence is now closed, I trust the Court will give me till Friday to prepare my reply. I cannot get the evidence of this day until to-morrow morning, and there is a great deal of evidence to be digested and referred to. President: Colonel Brownrigg, will you be ready with your remarks as soon as he has concluded? Colonel Brownrigg: It is impossible for me to say that, but I will do my best to be ready on Saturday. I will be sure to have it ready if I can; I shall do all I can, but I cannot take it upon myself to say that I shall be ready on Friday. The Court was then adjourned to Friday, March 21st.

TWENTY-SEVENTH DAY.—FRIDAY, MARCH 21ST.

The Court Re-assembled at eleven o'clock.

Captain Robertson applied for, and obtained permission to, have his reply to evidence read by Captain Warren, 27th regiment.

Captain Warren then read the following reply:—

GENERAL GORDON AND GENTLEMEN OF THIS COURT MARTIAL—The fact that the evidence has now finally closed in this painful and extraordinary case, must be a source of congratulation to the Court. I deeply deplore, for the sake of the honour of that regiment to which I have for such a length of time belonged, that this investigation should have disclosed so much contradictory—indeed, I may say, almost irreconcilable testimony, and that I should have been compelled, in self-defence, to bring into public notoriety such acts and conduct, on the part of Colonel Bentinck, and some others of the officers, as have now been revealed and proved. The Court will bear in mind the several specific matters and things charged by me to have been done for the purpose of driving me from the service—all of them directed to the same end and object, and which attained their climax, and received their consummation in the memorable interview of the 1st of October, 1861. In my defence I gave proofs, I submit conclusive proofs, of all these acts. The prosecutor, in his rebutting evidence, has singled out one of these acts as the object of his attack, and by so doing, and by his silence as to the others, has impliedly admitted that such others cannot be contradicted by him; in fact, by his conduct he has confessed them. That which he has selected is the order compelling me to exercise with the back-board. The Court will perceive that he has not denied that such an order was given, but has endeavoured, by his witnesses, to throw back the date of that occurrence to the first fortnight in the month of April, 1861. I will now proceed to examine the evidence so adduced by him, and I believe and trust I shall be able very clearly to show the Court that no reliance can be placed upon the accuracy of these witnesses as to the period when that event took place. But before doing so, I trust I may be permitted to make these observations. It is always a safe and sure test as to the amount of credit to be attached to what is deposed to by a witness, to consider whether

that witness stands indifferent between the parties—whether he has, by his acts and conduct displayed a bias and partizanship either for or against the accused—whether he has any interest of any kind whatever, either in concealing truth or in propagating falsehood, and whether he is himself involved in the transactions about which he is speaking, and has identified himself with them. Every man in his position, be what it may, is subject to the weakness belonging to human nature, and people often unintentionally and unconsciously, when their interests are engaged, their position imperilled, or their prejudices aroused, persuade themselves of the absolute truth of matters, simply because they wish them to be true. Another test which experience has ascertained is, whether the witnesses produced to prove certain matters agree in their testimony, and, in particular, with respect to surrounding circumstances and collateral incidents and occurrences, which, if the witnesses are accurate, and are deposing to the exact truth, must have naturally struck the mind and attracted the attention of them all. Coincidences, in all these respects, in the testimony of witnesses, provide one of the best and safest tests that can be applied to the discovery and attainment of the truth; and when these coincidences are found to be wanting, the confidence which the Court might be inclined to feel in the truth and accuracy of the evidence must be weakened, if not totally destroyed. In order to detect mis-statements it is most essentially necessary to investigate and scrutinise the combination and comparison of circumstances. To reject such combination and comparison is oftentimes to reject the only means of separating truth from falsehood. I do believe and submit that there never was a case to which these remarks were more applicable than the present, Captains Bragge and M'Donnell, and Lieutenants Wright and Childe who are the principal witnesses—indeed I will say the only witnesses produced against me, in reference to the back-board affair, upon whom the Court can place any dependence—have all taken part, some of them to a greater, others of them to a less degree, in the persecution to which I have been subjected. They have one and all attached their names to a document the nature and character of which was such, that recourse was had to the desperate and dishonourable expedient of destroying it in order that it might not be laid before the court by me. I am aware that Captain Bragge has declined to say whether he signed it or not. The court, however, will put their own construction upon his silence; and I am convinced they will not for an instant hesitate in arriving at the conclusion—the only rational conclusion—that he was a participator in and a party to that libel. Captain Bragge has stated he is not quite certain whether the back-board was put upon me during an exclusively officers' ride. He does not know whether Serjeant-Major Williams was present. He says that if he had not read the evidence of Mr. Price he would have stated that it happened at some time between the 1st of April and the 18th of June, 1861; that in a letter written by him to, I think he said the prosecutor, he fixed the date between the 14th of March and the end of May. He said that the officers were riding with bridoons on the occasion; and he finally selected the 14th of April as the period when the back-board was put on me. It is clear that upon this evidence there is no certainty as to the precise date of the occurrence. It might, according to Captain Bragge, have taken place, either before or after the affair between Colonel Dickson and me had become known to Colonel Bentinck. The only thing as to which Captain Bragge speaks with any degree of certainty is, that the officers were riding with bridoons at the time. I shall dispose of this hereafter. Lieutenant Wright has said that the back-board affair happened during an exclusively officers' ride, and in the first fortnight of April. His only mode of fixing the date is that he went on leave of absence to attend his sister's marriage on the 15th of April. He, however, returned again to his duties in the end of April, and exercised in the several rides during the months of May, June, July, and August 1861, during which months he also saw me exercising in the rides. He states that the circumstance of seeing me exercising with the back-board made no impression on his mind, and that he did not think it at all extraordinary or unusual, although, as the court will recollect, such an indignity was never before put upon any captain in the 4th Dragoon Guards. Lieutenant Wright also states that he has no memorandum of the matter. He has not assigned any reason why the mere fact of his having gone to his sister's marriage, should induce him to say that the back-board affair happened in the first fortnight of April. He has also stated that the officers were at the time riding with bridoons. It is obvious that Lieutenant Wright has stated nothing that could satisfy any court that he had any sure guide, or any landmark to point to the exact period when the back-board was put on me. The court will also remember that Lieutenant Wright not only signed that libellous document, but that he himself actually prepared a draft, and made suggestions as to what statements ought to be contained in it. Mr. Childe, who has also been examined on the subject, has not ventured to depose that the back-board was put on me during an exclusively officers' ride—he will only swear to the best of his belief upon the matter. He says that it was about the first fortnight in April, and that Lieutenant Wright almost fell off his horse either upon the same day or close upon it. He has also stated about the riding with bridoons. He has no

memorandum of the occurrence, and he exercised at riding drill throughout all the summer, with the exception of a part of June, when he thinks he was on leave. This is the entire substance of his evidence upon the subject. He certainly does make mention of a remarkable occurrence, I allude to Lieutenant Wright's misadventure, but with that solitary exception there is no clue furnished by him by which the mystery of the exact date can be solved. As to the mishap of Mr. Wright, if he stated positively that it occurred upon the same day on which I exercised with the back-board, and, if such a statement were correct, it would afford some means of arriving at precision; but he does not make any such positive statement, and I am quite at a loss to understand how it can in any respect aid his memory if it occurred upon another and different occasion. This gentleman, although he is so positive about the back-board and its date, only believes he was present at the preparation of the libel, and professes to be totally unable to fix the time when it was concocted or when he first saw it. He signed it, however, and endeavoured to persuade other officers to do so likewise. He also engaged in the honorable occupation of making inquiries as to my conduct at an hotel in Birmingham, from the waiters and servants there, being induced to do so, as he tells the Court, in consequence of reports which he picked up from "An old woman at the bar;" and acting in a manner quite consistent with his conduct, he withholds most carefully from me, his brother officer, all knowledge of these reports. Captain M'Donnell says that the back-board affair happened about the first fortnight in April, at an exclusively officer's ride, when the officers were riding with bridloons, and that during the same ride Lieutenant Wright was almost unhorsed in the manner which has been described. He did not consider the order to me to exercise with the back-board as at all remarkable. This gentleman keeps a diary, in which it appears he jotted down the mode in which he rode on each day, and has also in it an entry about having got stirrups before the ride was over; but, marvellous to relate, there is no allusion in that diary to the back-board affair at all—not even the slightest allusion to it; neither has Captain M'Donnell stated that the accident which befell Lieutenant Wright is mentioned in it. It is a striking and remarkable fact, that neither Captain Bragge, nor even Lieutenant Wright himself, has said one syllable about the event of the latter gentleman having lost his seat on horseback during the ride when the back-board was put on me. Surely this accident was a matter which was calculated to have attracted their attention, and to have impressed itself upon their memories, and would most certainly have been alluded to by them in their evidence if it had occurred during the same ride as the back-board affair—it would have been the best means of enabling them to fix the required date with some show, at least, of accuracy. But even the hero in this transaction, Lieutenant Wright himself, has been completely silent about it. I will presently invite attention to the evidence of Sergeant-Major Williams, who has in the most distinct and unequivocal manner, disposed of the date of Lieutenant Wright's equestrian feat, and has most appropriately fixed it as having taken place upon the first of April: and the Sergeant-Major has thus completely disposed of the testimony of Mr. Childs and Captain M'Donnell upon the point. It will be remembered that Captain M'Donnell was also active about the libel. He brought it to Coventry in order to procure the signatures of the officers quartered there to be attached to it. He not only signed it, but in his eagerness to serve me, he also signed another document, which was prepared, as he has stated, in the latter end of June or beginning of July, and which according to the evidence that has been given appears to have been still more scurrilous and malignant than that which was finally submitted to Colonel Bentinck. He is wholly oblivious as to the period when he last saw the libel on me, and as to the time when he took it to Coventry, and as to the person from whom he received it on that occasion. The various phases of the memory and recollections of the witnesses examined for the prosecutor are certainly most singular; so clear and distinct is all that can in any respect weigh against me, and in favour of the prosecution—so hazy and obscure in every matter in respect of which they have been cross-examined by me. The evidence which has been laid before the Court by the witnesses on behalf of the prosecution upon this portion of the inquiry is no doubt based on truth. Truth is the ground-work. It is true that I was ordered to exercise with the back-board. It is equally true that I did so exercise; but upon these admitted truths I say and charge, that fiction and misstatements have been engrafted as to the date of that occurrence; and thus the false has been knit with the true, the reality is introduced with fiction, and thus a tale is raised which, with a good deal of drilling, might, if it had not been exposed, have put my cause in jeopardy, so far as regards this small portion of the case. The occurrence of the back-board which has been deposed to did take place, but I say that the real date of that occurrence has been transposed by the witnesses produced by the prosecutor from the month of July or August to the early part of the previous month of April; and this has been done by interested and biased witnesses, who have exhibited the most bitter hostility towards me, the variableness of whose memory upon this trial shows that the whole truth

has not been spoken, and proves their partizanship, and who have endangered themselves by the admissions wrung from them that they were parties to a gross and scandalous lie on my character. I do, therefore, submit that the omission of all allusion to Lieutenant Wright's accident in the evidence given by that officer and by Captain Bragge—the absence of all mention of both that event and the back-board affair from the diary of Captain M'Donnell—the vague and uncertain way in which the testimony has been given by all the witnesses, a great portion of it merely founded on belief—the admission that the occurrence made no impression on their minds—the fact that some of them did not state any circumstances which would be likely to afford any means of impressing the particular date upon their recollection—no diary—no memorandum, the majority of them having exercised with me at riding drill throughout the entire summer—all these things united with the odious act done by them against me, and with the proofs which they have exhibited of their prejudice and bias against me, and with the position of danger in which they know and feel that they have placed themselves by their conduct, prove, I do submit, to demonstration that no weight can be given to their testimony, even without taking into consideration the opposing evidence which has been given on my behalf. But this evidence puts the question beyond even the possibility of doubt. Williams, the regimental sergeant-major, has stated that he rode with the officers during the entire time exercised with bridoons; that he believes he was present at every officers' ride during the month of April, 1861; that he thinks he would be right in stating positively he was present at all such rides, but he does not wish to state it as an absolute certainty, simply because he has no diary or written record to attest the fact. It would have been more satisfactory if the officers who have been examined by the prosecutor had adopted the care and caution which marked the way in which the sergeant-major gave his evidence. The sergeant-major further said that he was positively present at every officers' ride during the first fortnight in April, and that he never saw me exercise with the back-board. He further said that he was riding immediately behind Mr. Wright when the accident happened to him, and that that positively occurred upon the first of April, 1861—and he fixes the date beyond mistake by the fact that it was the first day on which the officers attended riding drill—and he states that no such accident took place upon the 10th of April. He said he heard of the back-board affair immediately after it happened, and believes the time at which he so heard of it was in July or August, and that it occurred when the officers were exercising preparatory to the expected inspection of the regiment by General Lawrenson in the latter end of July, or beginning of August, and that I did not ride with the back-board in the month of April. He has further explained to the court that the entries in the order book stating that the officers and non-commissioned officers were to exercise at riding drill on particular occasions afford no safe or certain criterion, because that these expressions were often used for the purpose of having non-commissioned officers to make up the number requisite for the ride when there might not be sufficient officers present for the purpose of constituting an exclusively officers' ride. It is needless for me, however, to refer any further to this circumstance, in consequence of the discovery made by the court that the document put in on oath by Adjutant Harran, and sworn by him to be faithful and true extracts of the various rides taken from the order-book, is incorrect and false, and describes a ride in the month of August, 1861, as a mixed ride, when the very order-book, upon examination, shows there was an exclusive officers' ride upon that occasion. The entire tenor of the questions put to the witnesses by the prosecutor as to the back-board affair having occurred during an exclusive officers' ride, shows that this was regarded by him as one of his chief points. I strongly suspect that the suggestion of such questions come from the author of the extracts, which were stated to have been taken from that order-book, and that the extracts were made for the purpose of fortifying the evidence. The simple adjutant, when he was found out, said it was a mistake. If such be the case, it was at least an error in favour of the prosecutor's object. When the court regard the evidence given by the adjutant on this trial they will be enabled to make a tolerably strong conjecture whether this act of his was a mere mistake. If that extract had been taken and accepted by the court as correct and accurate, and if they had relied upon the honour and sworn testimony of Adjutant Harran, and had not compared it with the order-book, and if the explanation which was given by the sergeant-major alone, as to the meaning and introduction of the term "mixed rides" in the order-book, had not been obtained, the court would have been induced to believe that the back-board occurrence could not have happened either in July or August, as the extract represents all the rides during these months as having been mixed rides. The explanation given by the sergeant-major must have been as well known to Mr. Harran as it was to the sergeant-major, and yet the adjutant kept the court completely uninformed upon the subject, while he, at the same time, parades his extracts ostentatiously before them. I ask the court if sergeant-major Williams has not given his evidence in a manly, straightforward, and honest manner, and if his demeanor has not convinced every one that every word of his testimony was stamped with

the impress of truth? What then becomes of the statement made by Captain M'Donnell, and imperfectly echoed by Mr. Childe, and about which such extraordinary silence was observed by Captain Bragge and Lieutenant Wright, that the accident to Mr. Wright and the back-board occurrence took place upon the same day, and that that day was the 10th of April, 1861. They tell the Court it happened during an exclusively officers' ride, and yet Sergeant-Major Williams was riding behind Mr. Wright when he was so near falling off his horse. It is not pretended by any witness that this or any similar accident took place upon two different occasions to Mr. Wright. But I have also called Costello, the rough-riding sergeant-major. He has told the Court that he resumed his duties at Birmingham on the 10th of April, 1861, thus commencing a little before the time up to which Sergeant-Major Williams has stated positively and beyond doubt, that he was present at all the officers' rides. Costello has said that he was present at head-quarters at Birmingham from the 9th of April, 1861, to the 29th of July, 1861, that the back-board was not used to any officer during all that period, nor was it during any portion of that time seen by him in the riding-school during officers' rides. He left head-quarters on the 20th of July, and returned thither again upon the 9th of August, 1861; and he further states that on his return then, and not until then, he saw the back-board in the riding-school during the officers' rides. I do submit to the Court that stronger and more conclusive proof as to the time when the back-board occurrence took place could not by any possibility be given. The prosecutor declined to cross-examine this witness, upon the ground, as stated by him, that four officers had been already produced by him upon the subject. I ask the prosecutor does he mean to insinuate by this observation that credence is to be given to a witness because he happens to be an officer, and that no credence is to be given to the witness who does not chance to occupy so high a rank? If such be his meaning, I am perfectly certain that this Court, composed as it is of officers and gentlemen, will not endorse with their approbation such a sentiment. I know full well that they will not do so, and that they will repudiate any such idea. What object can these men have in telling an untruth for my sake? If they desired to curry favour with their colonel at the expense of truth; if they were willing to barter their character and their regard for the sanctity of an oath, in return for the approbation of their superior military authorities, they would not be found to be ranged on my side. But they were not prejudiced against me; they had not compromised themselves by getting up and signing libels on my character; they had not caballed, nor plotted, nor schemed for the purpose of driving me from the regiment. Their self-interest and self-preservation do not require the sacrifice of me. They have, therefore, no object in either suppressing truth or mixing it with fiction. Let their conduct, their demeanor, and their evidence be contrasted with that presented on behalf of the prosecution, and I am fully convinced that the Court will place the most implicit credence on what they have sworn. But my evidence upon this point does not stop here. I have produced Mrs. M'Alpine, who has stated that she returned from the Continent to Birmingham on the 20th July, 1861; that some days after her return I came in exceedingly fatigued, and told her I was in much pain by having been subjected to ride with a back-board, by the orders of Colonel Bentinck, and that I had been exercising with the back-board on that day. I am utterly unable to imagine how anything can be added to or said upon such evidence. Upon this very day of the occurrence I made this statement to Mrs. M'Alpine. Did I then contemplate this court-martial, and was I then endeavouring to get up evidence to be used on my behalf upon this trial? Reeking from the ride, exhausted and wearied, I return to my house, and in conversation at the very same time, with Mrs. M'Alpine, I state the fact of what had happened not one hour before. No impeachment has been attempted to be cast upon the lady's veracity. It is not pretended that she has falsified the date of her return from the Continent. I did not practise any occult or mesmeric influence upon her; with her own eyes she saw me on that day, and with her own ears she heard my statement of what I had just endured by the orders of my colonel. After this testimony it would be futile for me to dwell upon the evidence so faithfully given by Mr. Price, the riding-master, in a former portion of this trial upon this subject; I know that the Court have it fresh in their recollection. But, independent of all this mass of testimony, the probabilities of the case are, I submit, altogether in favour of the truth of what has been deposed to by my witnesses. The back-board was ordered only once for me. Will the Court believe that that solitary order was merely given for my improvement? Even Mr. Harran, who says, he was born in the regiment, never heard of its having been placed upon a captain on any former occasion. It is, I submit, a positive absurdity to suppose that it was merely ordered because I required it. If such were the truth, the experiment would have been repeated. I say and charge that it was one of that series of annoyances and persecutions which were practised, towards me for the purpose of driving me from the service. The prosecutor has directed almost the entire of his credible evidence to this one subject. I say his credible evidence, for as to the testimony of

Adjutant Harran: I greatly deceive myself if I will not show that what he has stated is not worthy of the slightest credence. This trial would, indeed, have been shorn of a great portion of its interest if he had not been produced to take a leading part and Colonel Bentinck will, perhaps, learn by the time this case has been finally adjudicated upon, how grateful he should feel to this officer for the zealous aid he has ever given. There is nothing too difficult for the ingenious adjutant. He was not present when the back-board was put on me, but he fixes the date with greatest facility by detailing the very words of a long conversation which he says took place between the Colonel and Mr. Childe on the day next after the ride. Upon the following day, as I understand the evidence, the colonel tried it on, and then there was another conversation, which the adjutant has also repeated. I may observe that Mr. Childe has not been asked a question as to these incidents, which, if they had occurred, might have been useful additions to his evidence. It is remarkable that the adjutant's accuracy as to dates seems to have failed him on this occasion, as I do not find he has fixed the time of the trial of the back-board by the colonel; however, I have been enabled through Costello to give assistance to the adjutant which he little wanted or expected. Costello has told the Court that he was the person who helped to put the back-board on the colonel, and that the event took place in August; and thus the adjutant has unwittingly, and I am certain unintentionally, helped me to fix the date of the back-board affair in or about August, 1861. The next thing which the adjutant states, under the pretext of fixing the date is a conversation which he says he had with his father, in which he reports himself as having told that gentleman of the greatly improved system introduced into the army since his time as to the education of officers, and exemplified it, as he says, by the back-board exercise in my case. Really this is too puerile to justify me in dwelling upon it; it has crept into the evidence, and I will leave it there. He next produces in support of his testimony the regimental order-book, which could not, according to the evidence of Mr. Price and Sergeant-Major Williams, afford the slightest means of enabling the Court to arrive at the truth. He then says that I was ordered by Colonel Bentinck to attend morning and evening stables in the month of December, 1860, and the everlasting order-book is again produced which contains no record of any such order ever having been given. The adjutant will not swear that I ever did attend stables at that period. In this respect his swearing does not reach the mark of Colonel Bentinck's evidence, who has told the Court that in January or February I did attend for about one week; but this failure on the adjutant's part is easily accounted for. Before he gave his evidence, my Sergeant-Major—McCloughery—had been examined, who most distinctly stated that I never did attend these stables until the month of August, 1861. The adjutant, as a matter of course, was perfectly acquainted with this evidence, and he accordingly very adroitly leaves the colonel in the lurch as to this matter. But the adjutant states positively that this order was given to me. In this he feels he is safe. I cannot be examined, and as he does not say that any person was present but the colonel, the adjutant, and myself, it is impossible for me to contradict him. Will the Court, however, believe that if such an order had been pronounced I would have dared to disobey it? It has not been asserted throughout this case that I ever refused to obey any order that was given to me; but, further, if such an order had been given, and had been disobeyed by me, will the Court believe that Adjutant Harran would not have informed himself of the fact? And do they think, from his demeanour, acts, and conduct towards me, that if he had heard of it he would not have taken the most summary and effectual steps to bring me before the colonel? But I do respectfully ask this Court what credence will they give to an adjutant who receives from his colonel, in the month of July, 1861, a libellous letter directed to the colonel, in order that he, as adjutant, may keep it as an official document—who obtains by every means, and by resort to every expedient, the signatures of a large portion of my brother officers to it—who, with untiring energy, sends it from place to place for this purpose, and who finally destroys it on the day after this Court commenced its sittings, for the purpose, as he avowed, of preventing its production by me before this tribunal, he believing—aye, and well knowing—at that time that I intended to call for and use it on this trial. I fearlessly ask if this conduct will be upheld and sanctioned by this Court? I am fully assured that there is not one officer and gentleman trying me on this day who does not feel the deepest indignation at this proceeding, and who does not believe that the honour of the British army is stained and sullied by this act. But this is not all. In the dark recesses of his room that document was hatched—aye, and others also, a whole batch of them. Then, my brother officers assemble, and under the presidency of this disinterested adjutant they conspire to slander me behind my back. The adjutant writes a draught of a proposed letter to the colonel about me. It is so grossly offensive and calumnious that it is rejected. A young cornet, Mr. Tait, is selected, and induced to write the libel which is finally approved of. The adjutant had not the manliness to do this himself. The adjutant leaves it in the colonel's room. He says he does not think he told the colonel that he had

left it in the room. Will the Court believe this incredible assertion? In the course of a few days it is returned to him by the colonel, to keep as an official document, and he dares to tell the Court that he does not recollect whether he had any conversation with the colonel about it on that occasion. I again respectfully ask the Court do they believe this monstrous statement? And how does the adjutant deal with that document, thus given to him by the colonel, to be kept by him as an official document? He forthwith busies himself to obtain the signatures to it of those of my brothers officers who had not previously signed it. Can this Court now entertain one single doubt as to the object and purpose for which that libel was given by the colonel to his adjutant? He tells the court in a subsequent portion of his evidence that Colonel Bentinck told him that he as adjutant, had better not mix himself up with it at all—that by so doing he might give it the appearance of being official, whereas it should come voluntarily from the officers, as he (the colonel) would not make use of it on any other condition. This conversation, deposed to by the adjutant, at once suggests the idea that it was at a time subsequent to it that the adjutant glided into the colonel's room and deposited the libel on his table. However this may be, the adjutant, I presume, would wish to induce the court to infer that he thenceforward became two separate individuals, and that each half of that which before had formed his own undivided self, from that time forth became a distinct body, discharging its own peculiar functions—in his official capacity he was Adjutant Harran, but as the disseminator of libels upon his brother officer he was plain Lieutenant Harran. This was truly a wonderful device, and worthy of all admiration. But in which of these two capacities did he bring young Mr. Farquhar into the orderly-room in the month of September, 1861, to affix his signature to that libel, while the colonel was standing with his back to the fire-place, at the distance of only three or four yards. There is something that almost shocks the mind and understanding in the manner in which the adjutant informs the Court that the colonel, on that occasion, did not know what was going on. Colonel Bentinck is neither deprived of his eyes nor of his reason. If the adjutant did not feel assured that the colonel was aware and approved of the efforts which he was making to obtain signatures to that document—if, as he insinuates, he did not wish the colonel to know that he himself was active in the matter—I ask the Court, if they think he would have dared in that place, and at that time, to have produced that document, and to have deliberately brought Mr. Farquhar there to sign it? He likewise asked Cornet Colquhoun and Lieutenant Chilton to sign it. Twice he asked Lieutenant Kintoul, and twice that officer refused. He asked him to take it to the Curragh to obtain the signatures of the officers who were quartered there. I venture to say that if I had the information and knowledge sufficient to enable me to do so, it could and would be shown that the signature of almost every officer who put his name to these scandalous and false productions, was got through the instrumentality of Adjutant Harran. In his rabid desire to blast my character, he has not hesitated to recount to the Court a story of a scene which he says he witnessed in one of the streets of Birmingham, between the hours of three and four o'clock in the afternoon of a December day, in the year 1860. He expresses the horror and indignation which he felt at the sight; and he says that on his return to barracks he remarked to his brother officers, that if he had seen a private soldier of his regiment walking with the same person in daylight he would have put him in the guardroom for disgraceful conduct. He says I was not in uniform at the time I saw, and charge, that this statement has not the slightest foundation—and that it is destitute of the smallest particle of truth. But even if it was true, what is the conduct of this parist and moralist—of the man who is to be taken to be the very pink of honour? He continues on terms of intimacy with me, aye, and I say of the closest intimacy with me up to the month of July, 1861; and he, my friend, associate, and brother officer, never on any occasion made any allusion to it. He walked with me, and he spoke to me, he met me every day, and often partook of my hospitality; and this gentleman during all that period preserves the strictest silence to me upon the subject, although, as he says, he proclaimed my infamy to the other officers of the regiment. I feel it difficult to restrain myself when I hear such imputations cast upon me by such a man. When the insinuation which he made against me in his evidence on this trial reached my ears, I was instinctively impelled to challenge him to proceed, and to tell to the Court all which he said he knew against me; but I was restrained by others, who saw the peril in which I would place myself if I was to do so when I could not refute the foul-mouthed calumnies which might be uttered against me without any fear of contradiction by a man who thus returned the kindness which he had received from me when he was a serjeant-major in my troop, and whose acts and conduct towards me have been marked with so much malice and with such a determination to hunt me down by the foulest means. But the catalogue of his machinations against me is not yet completed. In or about the month of June, 1861, he told Mr. Byrne, the Veterinary Surgeon of the regiment, that he (the adjutant) was desirous by Colonel Bentinck to inform him that the Colonel had seen him frequently speaking to me in the barrack-yard; that Mr. Byrne's doing so was

objectionable; that the colonel was trying to get me out of the regiment, and that the fact of Mr. Byrne associating with me was undoing what the colonel was trying to do, and the adjutant then recommended Mr. Byrne to discontinue all communication with me. The adjutant has admitted the correctness of a portion of this conversation, and he has denied other portions of it; but I unhesitatingly ask the Court to believe every word of it as deposed to by Mr. Byrne. Has the credibility of that officer been impugned? He at least never leagued against me; he did not act basely or dishonestly; he never conspired against me, nor libelled me, nor did he destroy documents. He has frankly told the Court that he did hear reports as to my conduct—he took every means to ascertain whether they were based on truth, and the more he inquired the more satisfied was he of their untruth; and he proved that he discredited them, because he and his family always continued on terms of intimacy with me, in despite of the orders of the colonel conveyed to him by the adjutant. I do aver that the acts of despotism and oppression disclosed in the progress of this trial are almost unprecedented. Almost all my brother officers of every rank and degree have been combined against me, through the indefatigable and never-flagging efforts of the colonel and his unselfish adjutant. Every nerve has been strained, and every engine has been put into requisition to isolate me in the regiment, and to deprive me of the companionship and society of those with whom I had always lived on terms of intimacy and friendship up to the month of May, 1861. From that time forth I was hunted and tortured, and at length, on the 1st of October, 1861, I succumbed and almost fell a prey to my persecutors. How admirably does the conversation between the adjutant and Mr. Byrne harmonise with the dialogue between Lieutenant Rintoul and the adjutant, upon the 26th day of August, 1861, as given by Mr. Rintoul from his diary:—"He (that is Harrao) brought the Robertson testimonial for me to sign. I told him I would rather not, that it would look very ill for me to do so as we were not on terms; also that the major recommended me again not to do it. He said all the officers would sign. Does the colonel wish me to? Yes." It is refreshing amidst the labyrinth of contradictions, in which the evidence in this case is involved, to get even a little scrap of paper—a single mark which points at, and shows the way to truth. Here is a diary kept by Mr. Rintoul, containing notes made at the time when the occurrences were fresh upon the memory; the very wording of them attested their truth and originality. They are the jottings of an officer and a man of business, put down when his mind was free and his recollection undisturbed by any perplexities or prejudices which could induce it to swerve or depart from the simple and literal truth. No court-martial was then impending, or any inquiry threatened. They now stand forth as faithful memorials of what they record. They are superior to the uncertain, slippery, imperfect, and distorted recollections of any number, no matter how large, of prejudiced and hostile witnesses. Adjutant Harrao has denied the accuracy of this diary in the same wholesale manner which he has denied the testimony of all the witnesses who have given evidence opposed and injurious to his interests. I will not condescend to institute a comparison between his testimony and that given by Lieutenant Rintoul, I would be only uselessly lowering Mr. Rintoul by any such attempt. The adjutant has destroyed Colonel Bentinck's letter containing instructions for the letter written by Major Jones to me upon the 1th of July, 1861, and he cannot account for the alterations in the figures in the margin of the assistant adjutant-general's letter, although it has been ascertained that this alteration was made after the letter was transmitted to Colonel Bentinck. But the adjutant and Mr. Wright have both ventured to say that Major Jones approved of, and, in fact, sanctioned the preparation of that libellous document against me. Major Jones has most indignantly denied it; he has said that he always deprecated it, and he has named several of the officers whom he urgently advised to have nothing whatever to do with it. Lieutenant Rintoul has corroborated Major Jones in this respect; and it is recorded in that diary that he told Mr. Harrao on the 25th of August, 1861, that the Major recommended him again not to sign it; Major Jones also entreated Mr. Inge not to sign it; and even Mr. Wright has been compelled to admit that Major Jones, when returning with him one evening from the theatre, objected to that document, and told him that the officers ought to be very careful of what they were doing. If Major Jones encouraged and approved of that libel, why was he not, after the alleged conversation upon the return from the archery meeting, consulted upon the subject? Why was it not shown to him? Why was he not invited to the adjutant's room when the party was assembled in deliberation as to the framing of it? Why did not Adjutant Harrao ever speak to him, or the Paymaster Biggs? The only officer who dares to assert that Major Jones ever spoke with any approbation of it, after the supposed occasion on the return from the archery meeting, is Mr. Childs. But that gentleman cannot say whether any other person was present at that dialogue. He thinks it took place outside during stables. He does not think there was any particular conversation—he thinks it was a general conversation. It is manifest that no reliance can be placed on such

a rambling statement. I submit that no reasonable person will place the smallest dependence on it. Will this Court believe that the adjutant who induced a young Cornet to become the scribe and writer of that libel—who made such constant attempts to obtain the signature of Lieutenant Rintoul, and who got Mr. Farquhar to sign it in the presence of the colonel, would not have made one solitary effort to induce Major Jones to be a party to it, if he had the slightest grounds for believing that that officer either originated or approved of it? Would that wily adjutant who had such frequent communications with Colonel Bentinck about it, have avoided all communication with Major Jones upon the matter, if he did not know full well that the major was in every way opposed to it? But these parties, feeling that they themselves have been exposed, and that their schemes have been unmasked, have endeavoured in their downfall to drag Major Jones along with them. They are determined that, if possible, he shall not escape. If they must perish they are resolved that he shall perish with them. Hence the episode with which the Court has been favoured of an alleged conversation between Mr. Wright, Mr. Harran, and Major Jones, upon their return from an archery meeting. Mr. Wright, in his first examination, stated that he drove back with Major Jones and Mr. Harran from the archery meeting on the 6th of July, 1861, and that then for the first time any libel upon me was thought of. Mr. Harran's statement is to the same effect. Paymaster Biggs has stated that the archery meeting took place not upon the 6th, but on the 12th of July, 1861; and this has been confirmed by Mr. Acton, the secretary of the club—the gentleman who told the Court that upon the morning of his examination he destroyed two letters written to him by Paymaster Biggs for the purpose and with the object of preventing their production before the Court. I am much mistaken if I will not satisfy the Court upon the evidence which has been given that this alleged fixing of the date of the conception of these libels is altogether untrue; and the Court in considering this part of the case will bear in mind that the prosecutor has avowed that his object in giving that conversation in evidence was to show that until then no libel was ever thought of. I will assume now that the archery meeting did take place upon the 12th of July, 1861. The Court will now see how the matter stands. Lieutenant Rintoul has stated that so early as the 5th of June, 1861, Colonel Bentinck told him that at head-quarters they were going to address a letter to him, to be signed by the officers, to get me removed. There can be no doubt as to either this date or conversation, for they are both recorded in Mr. Rintoul's diary. The memory might be fallacious, as has been so frequently exemplified in this case, but there is the written record which nothing can efface, or alter, or explain away. Major Jones has told the court that some short time after the return of Adjutant Harran from a regimental dinner, which took place early in June, the end of the Ascot week, and I believe I am correct in stating that that was about the 11th of June, 1861, Mr. Harran said to him—"We have got up the testimonial, Bentinck will give it to Lawrenson when he comes; Lawrenson will lay it before the Duke, and there will be short work made of Master Sandy." No attempt has been made to contradict the fact of this conversation having taken place; and Captain M'Donnell, who has been produced by the prosecutor, said that he signed two libels reflecting on me, and that the first of them was prepared either in the end of June or in the first week of July. Mr. Harran has said they were all mere drafts except the document which was finally approved of. But it is manifest from the evidence of Captain M'Donnell that this is an inaccurate statement. No officer would have signed them if they were merely drafts. It is obvious that the real truth is that one document was first prepared, and was signed by such of the officers as were ready and willing to sign anything against me; but that when it was found distasteful to others of the officers, then, in order to obtain what Colonel Bentinck calls unanimity, it was found necessary to get up a second and modified edition of the libel. These three circumstances, however, which have been so incontestably established, prove beyond doubting a complete and perfect chain of evidence that these libels were contemplated throughout the month of June, and long antecedent to the 12th or 13th of July, 1861. What then becomes of that alleged conversation with Major Jones upon the return from the archery meeting, and of the statements of Messrs. Wright and Harran that the matter was not thought of until that period? The effort, therefore, to fix the date of that archery meeting as the time when these libels were first suggested or thought of, has miserably failed, and will only recoil with double force on those who have made it, and I arraign that statement of Messrs. Wright and Harran as wholly destitute of truth. There is no important statement made by Mr. Wright, in his evidence before the court, and given by him upon any portion of this case, which has been controverted by other witnesses. As to Mr. Harran, he has had the good fortune to have been contradicted on almost every point by some or other of the witnesses produced by me, while his admitted acts and conduct are such as of themselves ought, I say, to effect his condemnation. But Major Jones has further said that he did not return from the archery meeting in the beginning of July with Mr. Wright and Mr. Harran, but that he came back from it on my drag

in the company of Mrs. Robertson and myself. In consequence of the extraordinary and conflicting evidence which has been given in this case, I am not at all surprised to find Major Jones state on a subsequent occasion that he is perfectly puzzled—in truth, it would almost make a man doubt his own identity. But it is only due to Major Jones that I should criticise the testimony of the witnesses who have been called up to contradict him; and in considering this portion of the case the Court will recollect the observations which I have already submitted as to the impossibility of reconciling the statement made by Messrs. Wright and Harran, as to these libels never having been thought of until the conversations between them and Major Jones, on the return from the archery meeting on the 12th of July, 1861, with the evidence given by Lieutenant Rintoul, Major Jones, and Captain M'Donnell confirmed and corroborated as it has been by the entry in Mr. Rintoul's diary. This evidence proves, I submit, beyond a doubt that throughout the month of June, and in the first week of July, these libels were freely spoken about and caressed, and that one at least of them was then in existence. Paymaster Biggs has been called in order to prove that Major Jones returned from the archery meeting of the 12th of July, 1861, with Mr. Wright and Mr. Harran. No doubt can exist that Paymaster Biggs also signed that libel. The mode of proof by which Paymaster Biggs has endeavoured to satisfy the Court upon this matter is certainly a curiosity, and although he is naturally short-sighted, he seems on this particular occasion to have been a perfect lynx. He commences by stating that he saw Major Jones driving home with Messrs. Wright and Harran from an archery meeting in Mr. Wright's carriage in the summer of 1861, and he believes it was in the beginning of July. The Court will perceive that in this stage of his examination he only expresses his belief as to that occurrence having taken place in July. He next says he is not certain whether he himself walked home or not, and that he was at eight or ten archery meetings in the summer of 1861. He was not speaking to the Major or the other gentlemen in question—he was some twenty or thirty yards distance from them at the time they were driving away. Major Jones's back was turned to him, and he did not see his face, and the servant and Mr. Harran were interposed between him and his view of even Major Jones's back. He was walking about the ground at the time, chatting to several persons congregated there. He does not think he saw my drag at the meeting; and when pressed by the Court as to how, under these circumstances, he could identify and swear positively to Major Jones, he gravely says that the Major wore a white hat and a light coat, and that there were only two white coats and two white hats that he remembered at the entire meeting, and that Mr. Wright wore the other white hat and white coat; and then, Paymaster Biggs, who was not speaking to any of the party, undertakes to describe accurately the dresses and hats worn by these two gentlemen at that meeting, and by that means to identify Major Jones. It is really impossible to deal with this absurd, this ridiculous evidence, and I do say that the very fact of a witness making such a statement, under such circumstances, ought justly to deprive his evidence of all weight or consideration. If any single member of this court was asked how any friend of his was dressed at any archery meeting which took place upwards of nine months ago, when nothing happened at the time to call his particular attention to the style of dress, or to impress it on his memory—nay, further, when he was not even speaking to that friend, and only saw his back, or, at the utmost, only got a side view of him as he was driving from the meeting through a crowd, I ask respectfully would he undertake to answer such a question? The idea is absolutely ridiculous. But I do further say, that this very attempt at identity shows the Court the mode and the spirit in which it is sought to impeach the accuracy of Major Jones's testimony. It proves, I submit, there is something more in the minds and the intentions of the witnesses than a mere wish to tell the truth, and nothing but the truth—the spirit which dictated the writing of the libels is not yet quenched; and I—ay, and every one that gives evidence on my behalf—must be attacked by every means, whether right or wrong. The evidence of Paymaster Biggs, and that of Ward, who has been produced to corroborate him, reflect back upon Messrs. Wright and Harran. Ward, Mr. Wright's servant, has been called, and in answer to a question put to him by the prosecutor he produces an account-book; but, strange and suspicious fact, the entries in it relating to the month of July, 1861, are discovered to have been written on a sheet of paper which only found its way into the book about December last. He says that when he made up his accounts he was obliged to tear out the original leaf in consequence of having let some ink drop upon it, and that he destroyed the leaf which was so torn out but no reason is given why the new leaf was only copied out and inserted in that book; the month of December last. Will the Court believe that the officers do not get at least monthly accounts from their servants? The Court, as a matter of course, rejected this evidence; but I say and charge that these July entries upon that new leaf were manufactured for this trial; and when the Court hear the remainder of Private Ward's evidence I do hope and expect that they will entirely concur with me. For, what is the next statement

of this man? It is that Major Jones wore on that day a white hat and white coat—to this he has sworn positively, although at the same time he tells the Court he did not recollect how his own master, Mr. Wright was dressed; and yet Paymaster Biggs has said that he also had a white hat and white coat. Ward is asked why he recollects the dress of Major Jones so well; his only explanation is, that he saw the major walking about on the archery ground at the time he and his master arrived with the carriage. I ask the Court if this evidence does not invite suspicion, and suggest the idea that this testimony, so curiously fitting in with Paymaster Biggs, was concocted. Ward admits that he has been speaking both with Mr. Harran and Mr. Wright within the last three days. But I have not yet done with Ward. He has further stated to the Court that Mr. Owen arrived at the archery ground at that meeting in my phaeton, with Mrs. Robertson and me and my servant. I have examined Mr. Owen who has distinctly said he attended only one archery meeting at Birmingham during the summer of 1861, and that upon that one occasion he neither went nor returned from it, with Mrs. Robertson and me. He says he went in a cab, and that he left the ground some short time before Mrs. Robertson and me in order to make a call. My servant, Mossom, has also said that Mr. Owen never went to or returned from an archery meeting with Mrs. Robertson and me. Mr. Owen further says that the band of the 4th Dragoon Guards played at that meeting. If I am not mistaken, the Court will find that Paymaster Biggs said he saw Mr. Owen at the July meeting. Major Jones has stated he did not wear a white hat at the meeting, at which he expected to meet the young lady referred to in his memorandum book—that his white hat was rather shabby, and that he, in consequence, put on a new black hat specially for the occasion, and that he also wore a new dark grey frock coat. He is not certain whether he had a light overcoat with him or not. This evidence is full of truth, and the major can naturally depose to the matter, as the recollection of the anticipated meeting between him and the young lady gives him an easy and simple mode of being enabled to swear as to his dress. He is in all respects corroborated by his servant, Bund. But Ward has made further statements—he says that upon the occasion when Major Jones returned from the archery meeting with Messrs. Wright and Harran, my phaeton was put up at the same stable with Mr. Wright's; that there were a great many people at the meeting, and that the band played there. I have produced my servant, Mossom, who says he remembers perfectly when Ward put up Mr. Wright's horse at the same stable with mine; that the name of the inn was the Plough and Harrow, and that that was a private or rather practice archery meeting, that there were very few people present, that the band was not playing, and that he did not see Major Jones upon the ground on that day, and he drove Mrs. Robertson to that meeting in the phaeton, and that she was not accompanied by any person. I have now, I think, satisfactorily disposed of the evidence of Private Ward, and I ask the Court respectfully but firmly whether the production of him as a witness. Has not of itself condemned the case of those who called him? Not merely has Major Jones stated that he returned with me from that meeting, on my drag, but he has been in every respect corroborated by his servant, Burroughs; and I ask this Court whether that witness is not, by the clear way in which he gave his evidence, entitled to every credit; his testimony, I submit, places the reality of the occurrence before the Court in a manner, which, having regard to the collateral circumstances detailed by him, and which, naturally imprinted the matter on his memory, cannot fail to command the attention of the Court. He fixes the time by the death of his brother, which event happened on the 7th of July, 1861, and he says that in two or three days after—which the Court will at once perceive points at the meeting of the 12th of July—Major Jones went to an archery meeting. In answer to a question from the prosecutor, he says he knows that it was to an archery meeting the Major went, because his master told him so, and directed him to get his best clothes ready for him—thus even in the most minute particulars he corroborates Major Jones, and clearly shows that this was the meeting at which the major expected to meet his lady friend. Burroughs says the major forgot his latch-key, and left it behind him, and that as he (Burroughs) was a married man, and lived outside the barracks, he did not wish the major on his return, to send for him, and he accordingly awaited his return at the barrack-gate for the purpose of giving him the latch-key, that he saw the major return on my drag, that the drag pulled up at the barrack-gate, Major Jones got down and the witness handed him the latch-key. He says that Mrs. Robertson, the major, and the servant, and I, were the only persons on the drag, and that the major got down from the second seat from the front—thus confirming the statement of Major Jones that he sat beside Mrs. Robertson behind the driver's seat. He says the major returned about eight o'clock—and even in this his evidence agrees perfectly with that of Mossom, who, in answer to a question put by the Court, states that on the first occasion after dancing at the meeting he returned about nine o'clock, and on the second time he came back between seven and eight o'clock. If the evidence of these witnesses—thus unintentionally and unknowingly strengthening and

confirming each other in matters and circumstances the very nature of which repels the presumption of collusion—does not satisfy the court that Major Jones returned from that July archery meeting on my drag, I am wholly at a loss to conjecture what could do so. The Court have ruled that Mrs. Robertson cannot be examined for the purpose of corroborating Major Jones. I bow to that decision. Neither can I myself give evidence upon the subject; but providentially, even under those circumstances truth has been discovered, and the case attempted to be set up against Major Jones has resulted in a wretched and degrading failure. Major Jones produced a memorandum in pencil referring to the occurrence which has formed the subject matter for controversy. The 6th of July is unfortunately inserted in it as the date of the expected meeting, and this has been greedily seized upon for the purpose of impeaching the testimony of Major Jones, and of conveying imputations against the conduct and honour of that gentleman. Paymaster Biggs, the great authority upon archery, has produced two letters from the secretary of the club—one fixing the meeting as having taken place on the 6th of July, the other naming the 12th of July as the day. The secretary himself has been brought over in hot haste from Birmingham, in order to throw light upon the matter. Paymaster Biggs has been most active, and no less than two letters were written by him on Saturday last to the secretary, which the secretary destroyed in order to prevent their production before this Court. But really all this zeal and labour seem completely thrown away. I will assume that the meeting took place upon the 12th of July, and that there was no meeting upon the 6th, nor even an intention of holding one on that day, and yet the entry is, I submit, capable of a very natural and easy explanation—"Miss — (a blank is left for the name) will be at the A meeting 6th July." That is the first note evidently written before the day, and in expectation of the conquest which the major, I presume, thought it was possible he might make. Is there anything extraordinary in the date 6th of July? There may have been some mistake as to the date on the mind of the person who imparted to the major the intention of Miss — to be at the meeting; or the major when jotting it down in a hurry may have introduced the 6th of July instead of the 12th of July, through inadvertance, just in the same manner as the secretary introduced the very same date of the 6th of July in his first letter; a mistake much more difficult of explanation, inasmuch as the secretary's attention was drawn to the date at the time he wrote his letter. Then follows in the major's note the rest of the memorandum: "Rather sold—not there—came back in drag with Inches and Mrs." But then, it will be said, why did not Major Jones when he scribbled down this latter portion of his memorandum, alter the date from the 6th to the 12th, for he must have known that the meeting took place before the latter day? It strikes my mind that the answer given by Major Jones is the most natural one that could be conceived. He says he never attached any importance to the note, never, supposing that after such a lapse of nine months he would be called upon in Court for it: that such a thing never entered his head for an instant, and that when he heard the evidence which had been given, he looked over his note-book, and finding the note, he brought it forward to corroborate his evidence, but that until he heard that evidences given by the other witnesses he never attached the slightest importance to it. What object could Major Jones have had in making in that note-book the alteration of the date? What consequence was it to him in the month of last July, whether the archery meeting did really take place upon the 6th or the 12th of the month? He never contemplated making use of that note on a future occasion. He was disappointed at not meeting the lady—this was what was uppermost in his thoughts; he accordingly jotted down "rather sold—not there;" and then the remainder of the note naturally followed, and following the current of his thoughts, he added that he had returned with Mrs. Robertson and ma. The very language used in that memorandum attests, I submit, its perfect genuineness, and that this matter is naturally accounted for and reduced to its true dimensions, and the mountain has dwindled down to something smaller even than a mole-hill. It was necessary and only right that I should make these observations in reply to the attack made on him by the prosecutor, who, I believe, has in this matter permitted himself to be urged on by others whose enmity Major Jones has aroused because he would not demean himself by co-operating with them, and has ever opposed the league which was formed against me—this is the head and front of his offending. I will now advert to Colonel Bentinck, and will show his complicity in the getting up of these libels, and in the unceasing efforts which were made to crush and overwhelm me; and in doing this I will confine myself to the matters which have been revealed and developed in the course of this inquiry since I last addressed the court. It is proved beyond doubt that so early as the 5th of June, 1861, Colonel Bentinck was aware of the intention that existed to get up these documents reflecting on my character; that in the middle of the same month the matter was arranged at the regimental dinner—so at least I understood the purport of the conversation between Major Jones and Mr. Harzan; but at all events it is clear that it

was settled at that time. That in the latter end of June, or the first week in July, the first document which was signed by Captain M'Donnell and some other officers, was prepared—that on the 25th of August it was reported by Mr. Harran to Lieutenant Rintoul that the colonel wished the officers to sign the libel; and that on the 27th of August Colonel Bentinck told Mr. Rintoul he should get the Weedon fellows to sign it. All that I have hitherto stated has been proved by Major Jones, Captain M'Donnell, and Lieutenant Rintoul. The disclosures which have been forced upon the adjutant as to the collusion of Colonel Bentinck are, if possible, still more startling. The libel directed to the colonel is left by his adjutant in the colonel's room; after a few days it is given back by the colonel to the adjutant. The adjutant thereupon proceeds at once to exert himself to obtain the signatures of such officers as had not previously affixed their names to it. Several conversations take place between the colonel and his adjutant in relation to it. The adjutant, whose memory is so fresh and green as to the very words of those conversations which bore against me cannot, nay, rather, will not, give to the Court with any minuteness or particularity the conversation between him and the colonel about these libels—sufficient, however, has been extracted from him to show their nature, and that they must have been numerous. He says that about the time the document reached the colonel, the colonel told him it appeared to be all perfectly legal—that at another time the colonel told him he would only use that thing as a support to his answer in the confidential report—that at another time the colonel remarked that he (the adjutant) had better not mix himself up with it at all, and that the adjutant having anything to do with it might give it the appearance of being official, whereas it should come voluntarily from the officers, as he (the colonel) would not make use of it on any other condition—that

another time the colonel said he hoped the officers' letters, together with his own recommendation, would cause the Duke to make such an inquiry into my conduct as would lead to my being obliged, allowed, or permitted to leave the service, exchange, or get rid of me in some way; and that at another time the colonel told him something about the document being unanimous—that to be of any use it ought to be unanimous. This evidence, drawn piecemeal from the adjutant in the course of a long and searching examination, proves conclusively that that document had the full sanction of the colonel, and was, in fact and in truth, got up and completed under his fostering care. But when to all this added the fact that Cornet Farquhar was brought by the adjutant into the orderly-room in the presence of the colonel to sign it, and that the colonel made no inquiry as to the person who left it in his room, or as to the person by whom, and the circumstances under which, it was so shamelessly destroyed, although he had at that time been called on by me to produce it at this trial—I do say and charge that so gross and palpable a case of thorough complicity has seldom, if ever, been proved in any court of justice. I say that all the evidence to which I have referred discloses a deep-laid and wide-spread conspiracy against me, of which Colonel Bentinck was the head, but Adjutant Harran was in reality the prime mover. To the latter I attribute the suggestion of the greater portion of the plot, but Colonel Bentinck has permitted himself to be made a ready tool and instrument, and has been worked and played upon by Mr. Harran for the personal aggrandizement of the latter. Without the countenance, privity, and sanction of the colonel, the adjutant would not have dared to do the acts which have been brought before the Court. I regret deeply that Colonel Bentinck should have said upon his oath that he did not for several months before the 1st of October, 1861, adopt towards me a line of conduct with a view of compelling me to leave the regiment. I submit that no impartial mind can now give credence to that statement—the recommendation to me to send in my papers—the order commanding me not to associate with my brother officers and not to go into the mess-room—the order that I was not to get leave of absence—the order superseding me by putting my junior in command of the regiment—the back-board affair—the connivance of these libellous documents—the order commanding me to attend morning and evening stables—the withdrawal of the subaltern from my troop during the line of march—the refusal to send forward my letters of complaint both to Sir George Wetherall and to Sir George Brown—the suppression of all the documents and statements which ought, I say, to have exculpated me in reference to the Dickson affair—the directions given by the colonel, through the adjutant, to Mr. Byrne to discontinue all communication with me, that he (the colonel) was trying to get me out of the regiment, and that the fact of Mr. Byrne's associating with me was undoing what the colonel was trying to do—all these acts, and all this conduct, proclaim and prove that the statement of Colonel Bentinck was not based on truth. But laying aside all these, I ask the Court if the extraordinary occurrences which took place at the interview of the 1st of October, 1861, are not of themselves sufficient to show that I was not a free agent, and that I acted then under coercion and intimidation—the indecent haste which was exhibited—the refusal to hear my statement—the announcement made by Colonel Brownrigg, when I had scarcely entered the room, that Sir George Brown had directed I should either retire from the service : and a court-martial—the re-

final of my request to be permitted to consult my friends; these admitted facts, and the details which have been given of that interview, and of my subsequent expression and conduct, of themselves present the strongest, the most irrefragible evidence of intimidation. I fear I have exhausted the patience of the Court. For the kindness shown to me during the progress of this protracted trial I owe the deepest debt of gratitude. I am convinced that the precision of thought and accuracy of judgment—the same keen perception and judicial ability which appeared so conspicuously throughout this trial—will guide and mark the final decision of the Court; and this conviction supports and strengthens me in the assurance that the Court will not yield to prejudice, nor be swayed by passion, nor permit themselves to be diverted from the specific charges upon which alone I have been arraigned. I have now done—my defence is now concluded—with solicitude I now confide my cause to the charge of this Court; it is a sacred trust, but I know and feel that it is consigned to an impartial and an honorable tribunal.

Colonel Brownrigg, in reply to the President, stated that he could not be ready with his rejoinder on the whole case until Monday next, at one o'clock.

President—The Court will now be cleared, and will open at a quarter before one on Monday next.

TWENTY-EIGHTH DAY—MONDAY, MARCH 24TH.

The Court sat at one o'clock, and Colonel Brownrigg, the prosecutor, proceeded to read his final reply as follows:—

MR. PRESIDENT, AND MEMBERS OF THIS GENERAL COURT-MARTIAL.—The trial of Captain Robertson, now drawing to a conclusion, has, I believe, been unexampled for the indulgence which has been shown to him by the Court, and by the advantages which have been secured to him by professional assistance. He was permitted to have eleven days preparatory to his arraignment; he has been permitted to have ten days to draw up three written defences. His case has been prepared and his interests defended with all the care and skill that the legal acumen of two eminent barristers, assisted and directed by solicitors of the highest talent, could bestow upon it; whilst he has been prosecuted by a soldier who knows nothing about law, who is wholly ignorant of the subtle arts of cross-examination, all the clever and imperceptible gradations by which a practised lawyer extracts from a witness—just what he wants to arrive at, and no more; and who has none of the personal interest in the issue of this trial which often stimulates a prosecutor to exertion, and makes a conviction an object of self-interest. No man was ever tried under such advantages, and yet I maintain that, from first to last, the prisoner has completely failed in shaking the evidence for the prosecution, or in establishing his innocence on any one of the charges on which he has been arraigned. I propose to touch upon the different important points in this trial, *seriatim*, so far as I can do so, and I shall therefore, first of all, advert to the written plea handed in by the prisoner on being arraigned; for I would not, even if I could, follow the prisoner through the laboured peroration of his first written defence, wherein he argues that the charges upon which he has been tried are "vague," and "uncertain," and "invalid," and "unintelligible," and "merely traps and snare." For my part it suffices that the charges were framed by the properly constituted authorities in London, they were sent to Dublin to be handed to the prisoner, they were so handed to him without an hour's unnecessary delay after their reception here, and I apprehend that the Court had no more option in receiving, than the Prosecutor had in submitting to them. In the prisoner's written plea, he first of all says, with regard to the first charge, "That the 17th Article of War is not mandatory in its provisions, and does not create or point at any offences for which he can be tried, and that non-compliance with the course to which approbation is thereby accorded in the case stated in the said charge, does not, and cannot, constitute conduct unbecoming the character of an officer and a gentleman, and to the prejudice of good order and military discipline." In reference to this statement, I may remark that the Act passed annually by the Legislature, for the punishment of mutiny and other crimes, empowers her Majesty to make rules and Articles of War, which shall be judicially taken notice of by all judges and in all courts whatsoever. It is therefore vain to plead that the injunctions of a particular article, on an important question as to the conduct of a person subject to the provisions of the act, are not obligatory. As well might it be argued that a particular crime was not punishable by court-martial, because that particular offence had not been specified in the Act or Articles of War. The 109th Article of War especially provides against any such interpretation, as I shall hereafter attempt to show, and is in itself conclusive against the prisoner's plea. As for the rest of it, it is simply an assertion on the part of the prisoner that it is neither unofficerlike nor ungentelemanlike to adopt a line of conduct the very reverse of that

of which our Sovereign declares her approbation. I hardly imagine that fifteen officers of the British army will ever be found assembled together who will agree with Captain Robertson in this matter. But even admitting the language of the 17th Article of War to be by itself somewhat unsatisfactory and ambiguous, it is not only by the 17th Article that the prisoner's conduct is to be judged; and I submit that the Court are bound to take in conjunction with it the 109th Article, and also the established customs of the army. Under those customs it has always been a military crime for an officer to allow himself to be grossly and publicly insulted without taking the proper steps to vindicate his character. The 17th Article of War clearly points out the manner in which in modern times that vindication of character is to be made; and though it does not impose any direct penalty for non-compliance with its provisions, the omission to comply with them is deemed a military crime within the general powers of the 109th Article, by which all crimes, not capital, and all acts, conduct, disorders, and neglects which officers may be guilty of to the prejudice of good order and military discipline, shall be taken cognizance of by courts-martial according to the nature and degree of the offence, and the offender shall suffer such punishment as the Court may award. With regard to the prisoner's plea in reference to the second charge, wherein he states that the same is not within any of the Articles of War, and that the same is vague and uncertain, I submit to the Court that the remarks which I have made in reference to the first charge are equally applicable to the second. As to the third charge, it comes distinctly under the provisions of the 84th Article of War, and renders the prisoner liable to the penalty of disgraceful conduct as there set forth. The wording of the first two charges is identical, excepting at their conclusion. In the first, the prisoner is charged with failing to comply with the provisions of the 17th Article of War, in not submitting a certain matter to be dealt with by superior military authority; and in the second, with failing to take proper steps to vindicate his character. The evidence before the Court proves conclusively that the prisoner has failed in both instances. The fact of the insult having been offered by Colonel Dickson to the prisoner, at the time and place mentioned in the first two charges, has not been questioned; the prisoner admits it, in all its details, in his letter to Major Jones of 20th May, 1861, with the exception of the circumstance that Col. Dickson shook his fist in his face at the interview between them at the Army and Navy Club, on 17th Oct., 1860. I omitted, accidentally, to ask Colonel Dickson the question that might have proved the fact, and the prisoner will of course, have the full benefit of my omission. It is also an approved and admitted fact that the prisoner did not succeed in his endeavour to obtain an apology or redress for the insult, and to have the difference between himself and Colonel Dickson adjusted; but that, on the contrary, Colonel Dickson distinctly refused to make any apology, and declared himself ready to abide by the consequences of such refusal. Captain Henry also, in evidence, corroborates the fact of Colonel Dickson having refused, through his friend Captain Durant, to afford any apology or redress for the insult he had offered the prisoner. The only two points, therefore, left to consider in reference to the first two charges are exactly those on which the guilt or innocence of the prisoner hinges—viz., firstly, whether he did or did not submit the matter to be dealt with by superior military authority; and, secondly, whether he did or did not take lawful steps to vindicate his character. With regard to the first point, you have the evidence of Colonel Bentinck that the prisoner had never submitted the matter to him, as his commanding-officer, to be dealt with; and you have similar evidence from Major Jones, who was in command of the regiment during Colonel Bentinck's leave of absence, and who heard of the affair of the 17th of October at the Army and Navy Club, and had communicated with the prisoner on the subject, before Colonel Bentinck had heard of it. It must be obvious to the Court, and to all military men of the slightest experience, that the meaning of the provisions of the 17th Article of War on this point is, that it is the duty of an officer, in case of his failing in his attempts to obtain satisfaction, redress, or apology for an insult offered to him, to go, of his own accord, to his commanding-officer, to lay the whole case before him, to demand and urge the fullest inquiry, and to beg of him, should he be satisfied with the propriety of the conduct of his subordinate, and that he has been blameless in the matter, to give him his support in proving to the other officers of his corps that he has done his utmost to vindicate his honour. More especially was it the bounden duty of the prisoner to act thus in his own case, even by his own statement, as contained in the notice sent by him to the secretary of the Army and Navy Club, wherein he affirms that Colonel Dickson would not give him satisfaction until some legal transactions between them were settled. If this assertion was true, and Colonel Dickson was sheltering himself under his fiduciary relations with the prisoner to escape the consequences of the insult he had offered to him, the case was of all others one that might have been settled with credit to the prisoner by his adopting the course pointed out in the 17th Article of War. Had the prisoner adopted this mode of proceeding, all the scandal of this protracted trial would have been avoided. But what are the real facts of the case? It has been proved to you that

It was not until the 9th of May, 1861, nearly seven months after the insult was offered to the prisoner, that his commanding-officer had the remotest idea of the occurrence, and that even then the rule was reversed, and it was the major first, and afterwards the colonel; who first spoke on the subject to the captain, and not the captain to the colonel. Is it much to be wondered at that Colonel Bentinck at this time recommended the prisoner to look out for an exchange into another regiment? It was about this time that Colonel Bentinck appears to have thought it necessary to bring the circumstances to the knowledge of Lieutenant-General Sir George Wetherall. In the meantime, it would appear that, although the prisoner did not submit the circumstances to be dealt with by his commanding-officer, yet, finding it had obtained publicity, he turns to Colonel Bentinck to extricate him, if possible, from the dilemma in which he had placed himself by having allowed nearly eight months to elapse without having obtained any apology or redress for the insult that had been given to him. Colonel Bentinck, had he wished to press the prisoner hardly, might then have said to him, "It is too late now for me to give you my advice, the matter is out of my hands, and you have only to thank yourself for your procrastination in a question affecting your honor. But instead of doing this, Colonel Bentinck, still anxious to give the prisoner a chance, tells him that there is one more mode, the adoption of which might probably compel Colonel Dickson to offer some redress or apology which would give Captain Robertson an opportunity of vindicating his character, and that was by sending a printed circular to each member of the military club to which Colonel Dickson belonged, detailing the insult, the refusal of all apology or redress, and stigmatising Colonel Dickson's conduct in such language as he thought most applicable to the case. But what does he do? He does exactly that which a moment's reflections must have told him was a certain way of preventing the members of the club to which Colonel Dickson belonged knowing anything about the matter. He writes a notice which is a sort of jumble of insult to himself, apology for his friend, a desire to benefit the officers of her Majesty's service, a reason why he did not send a challenge, a refusal on the part of Colonel Dickson to have anything to say to him, and his (the prisoner's) opinion that Colonel Dickson's conduct had not been that of a gentleman in any sense of the word; and he sends this, not in the shape of a printed circular to every individual member of the clubs, but to the secretaries of the clubs. The reason he assigned to Colonel Bentinck for not printing his statement and forwarding it to all the members of the clubs was, that such a publication might subject him to an action for libel, and yet he proposes that the secretaries and committees of the club should publish the statement by posting it in the clubs, and thus incur the liability he himself shrank from. The secretaries, of course, do exactly what was to be anticipated, by declining to publish matters of a purely personal nature between two individuals. Well might Colonel Bentinck be extremely indignant with the prisoner, as he tells you he was, and well might he have despaired of all hopes of inducing him to take proper steps to vindicate his reputation. The question arising directly upon the second charge is, whether the prisoner did or did not take lawful steps to vindicate his character. There has been so much in evidence before the court to show that other measures than those acknowledged by the law and approved of by the Articles of War have been suggested and contemplated to settle the difference between Colonel Dickson and the prisoner, that it is impossible for me to avoid allusion to them; I would, therefore, beg the court to receive my observations on this subject; not as in any degree reflecting upon the prisoner for not fighting a duel—that appeal for the vindication of an officer's honour being expressly forbidden—but as showing that, even had such a step been contemplated, the conduct of the prisoner was quite unprecedented. The first evidence you have on this subject is that of Captain Henry, who was employed by the prisoner, on the day after the insult had been offered, to endeavour to obtain, through Captain Durant, an apology from Colonel Dickson. Captain Henry tells you that he went to Captain Durant, who acted for Colonel Dickson in the matter, and that he failed in obtaining any apology or redress of any kind, and then there appears in evidence the most extraordinary features in this case, viz.—that when Captain Henry felt himself obliged to tell the prisoner that in the event of his failing to obtain an apology from his insulter he would have to call him out, the prisoner coupled with his acquiescence to meet Colonel Dickson a condition so astounding, so unprecedented, that it seems utterly impossible that a gentleman could invent, a gentleman propose, or a gentleman accept such terms—the condition being that the prisoner declined to meet Colonel Dickson unless the latter staked the price of the commission of the former. There is another circumstance connected with the sending of a challenge to the colonel which has, doubtless, attracted the attention of the court, as proving that the prisoner had no real intention of adopting so extreme a measure. On referring to the evidence of Colonel Clark, it will be seen that that gentleman was present at the Army and Navy Club with Capt. Henry and the prisoner two or three days after the occurrence of the 17th of October, and on

that occasion Capt. Henry stated that Colonel Dickson had refused to meet Capt. Robertson under any circumstances whatever until he settled with him legally, whereupon the prisoner, on receiving this assurance, but not before, said that Colonel Dickson ought to be immediately challenged, adding, "If I don't call him out, or challenge him, he might go and say I have not done so." I leave the Court to draw their own conclusions. An allusion has been made in these proceedings to a want of energy on the part of Captain Henry in acting for the prisoner; but it would, indeed, have been extraordinary for him or for any other gentleman to have shown much energy for a cause, the principal actor in which showed such callousness to his interests. Captain Henry's task was as difficult a one as could be imposed upon mortal man, disgusted and disheartened as he must have been, on the one hand, to find an old brother-officer capable of demanding the guarantee alluded to, and anxious as he was, on the other, to preserve untarnished the reputation of his old corps. I will now proceed to advert to the third charge against the prisoner. This charge is founded upon his letter, dated 4th October, 1861, and addressed to Major-General Fowater, the Military Secretary, in which he requests to be allowed to withdraw the application for permission to retire from the service, made by him on the 1st October, 1861, that application having been sent in, as he states, entirely through intimidation. The charge against the prisoner is that this statement is untrue. There can be but little doubt, when the prisoner wrote the letter of the 4th October, that the intimidation he alluded to was at the Adjutant-General's office in Dublin, on the 1st October; but becoming at a later period sensible that he could not succeed in establishing his charge of intimidation on that occasion, he attempts to make a case against Colonel Bentinck, and brings charges of intimidation as exercised towards him by his commanding-officer, commencing as far back as the month of March, 1861. After drawing the attention of the Court to the evidence before on this point, Colonel Brownrigg continued—I repeat here that neither my demeanour nor that of Colonel Bentinck, was otherwise than kind and courteous to Captain Robertson, and that I conveyed my orders to him without harshness or threat of any kind, and that it was in order to assure myself that no pressure could have been exercised towards him during the few minutes that he and Colonel Bentinck were absent together, that on his return to my room, and on his announcing his acceptance of the offer to receive his application for retirement, I said to him—"Am I to understand that this is your unbiassed decision?" &c. You have Colonel Bentinck's evidence as to what passed between him and the prisoner during the time they retired together on that occasion, and the positive contradiction of the former of assertions made by the latter, that Colonel Bentinck had threatened to bring him to a court-martial for an affair between him and Lieutenant Rintoul or Captain Webb, if he could not get rid of him on the present occasion. It is only necessary to point out the absurdity of such an accusation by the fact that the circumstances thus alluded to by the prisoner occurred before Colonel Bentinck was in the regiment. The prisoner has been made, in his first written defence, to excite the sympathy of the Court by what he describes as the indecent haste in which he was called upon to make up his mind; but it can hardly be admitted that a man conscious of innocence would take long to adopt the only alternative which would give him the opportunity of clearing his character from an unjust charge. Half a minute should have sufficed for this. A court-martial, so far from having any terror for him, should have been looked upon as the ready mode of relief—as the tribunal which would clear him in the face of the world. How then can he complain of haste in this matter? How reproach Sir George Brown for not giving him twenty-four hours to decide, when twenty-four seconds should have been ample for a man who felt strong in his own right and innocence? I can assert that no agitation was observable in Captain Robertson's manner when he returned to my room after his interview with Colonel Bentinck on the morning of the 11th October, and that I was particularly struck with what appeared to me to be the extraordinary coolness with which he asked the colonel to recommend him for the adjutancy of a yeomanry corps. Any attempts, therefore, to fix upon the military authorities in Dublin a charge of precipitancy or harshness against Captain Robertson on the 1st October must fall to the ground. There was ample *prima facie* evidence against the prisoner by his own admission, as contained in his letters of the 20th May and 4th July, 1861, to warrant his being placed immediately under arrest, without any alternative; and the ends of discipline would only have been met had such a course been adopted. Yet the fact of his having been fifteen years in the service weighed with Sir George Brown, and induced him to grant the prisoner, as an indulgence, the alternative of retiring by the sale of his commission, or of appealing to a court-martial as the only means of vindicating his character. In what position would the prisoner be if matters had remained as they were? It is entirely Captain Robertson's own fault, or perhaps the result of self-interested advice, given by those whom he consulted after he had been ordered to Dublin on the 30th of September last, that he finds himself in his present position; and if I am right in this latter surmise, he certainly deserves sympathy for his weakness.

Had he, however, professed a consciousness of his own innocence, it is but reasonable to suppose that he would at once have rejected the alternative of retiring from the service, and would have solicited a court-martial with the view of a thorough investigation of the charges against him. Had he done so on the 1st of October, what a far preferable position would he have been in to the one he now occupies? He would have been spared the odium of the third charge, and all the scandal and unpleasant disclosures that it has brought with it. He would have had equal opportunities of disproving the first two charges on which he is now arraigned; and he would, at all events, have had the credit of challenging the inquiry. But, instead of this, he makes up his mind to retire from the service. A feeble attempt has been made to show that the prisoner was ignorant of the reason for which he was summoned to attend at my office. Is this consistent with the fact that his new friend, Lieutenant Rintoul, had been told the day before "that an order had gone to Newbridge for him to appear the next day before the authorities?" Is it consistent with the fact of the letter from Captain Henry, which he says he placed in my hands, in reference to his affair with Colonel Dickson? But if the prisoner's statement, that the intimidation referred to in his letter of the 4th October, 1861, was the alternative of being tried by court-martial for the affair with Colonel Dickson, or of sending in his papers, is it not strange that in his conversation with Lieutenant Rintoul and Major Jones, on the evening of the 1st of October, 1861, he never mentioned a court-martial in reference to the Dickson affair, and does not appear to have spoken of this alternative given by Sir George Brown through me. The only intimidation which I can see as having been attempted towards the prisoner is that in which Major Jones told him, as he admits he did, that he would be almost certain to be tried by a court-martial for not forwarding his letters through the proper channel—an announcement of a degree of severity in military discipline for which the Court were, doubtless, quite unprepared. I may here remark that it may be a matter of regret that when Colonel Bentinck placed in my hands the letter of the Assistant Adjutant-General for the Northern District, and its enclosures, that he did not attach that importance to the correspondence between Mr. Owen and Colonel Dickson (as contained in Captain Robertson's letter to Colonel Bentinck, commencing "My dear Colonel," and dated "Birmingham Barracks, Sunday morning") that they have since acquired, for the production of that correspondence—though not, perhaps, absolutely essential—would have shown that in March, 1861, the prisoner had made an attempt to obtain an apology from Colonel Dickson, although there is nothing to show that on failing to obtain such an apology, he adopted the proper steps to submit the matter to be dealt with by his commanding-officer. The observations I have hitherto addressed to the Court have more particular reference to the charges preferred against the prisoner, and had the investigation been confined to those charges, I should here conclude my reply; but the investigation has extended over a much wider field; such latitude has been allowed to the prisoner that his defence has become an accusation. Its manifest, if not avowed, object has been to inculpate Colonel Bentinck rather than exculpate himself. Colonel Bentinck has virtually been on his trial, with this great disadvantage—viz., that, being himself a witness in the case, he has, by the rules of the court, been excluded during the examination of all other witnesses, and has thus been debarred of meeting his accusers face to face; whilst, at the same time, his conversations have been admitted in evidence against him as if he had been present and upon his trial. Notwithstanding these disadvantages, however, I felt satisfied that the truth would ultimately become apparent, and that the prisoner would fail as utterly as he has done in sustaining his accusations against Colonel Bentinck, whose character, I feel confident, I shall vindicate from the false and exaggerated imputations sought to be cast upon it. With this object, I shall ask your attention to each of these charges preferred against him in its order. First in point of time is the affair of the backboard, or rather, as it should be termed, backstick; for there is an essential difference between a backboard and a backtick, the latter being used solely on horseback, for the purpose of bringing the shoulders and arms into proper position while holding the reins. Although there is some conflict in evidence as to the date of this occurrence, I take it to be clearly proved that it occurred in spring, before the 10th of April, during the time the officers were riding with bridoons. Had it not been for an attempt to misrepresent the date of this occurrence, I should have made no further observations on this subject; but the date is of importance as regards the motives of Colonel Bentinck, for if it be shown that the backstick was used before the 10th April, 1861, the imputation that it was used as an instrument of oppression, in order to drive Capt. Robertson from the regiment, is altogether negatived by the fact that up to that period, and until the 9th May, Col. Bentinck was ignorant of the affair with Col. Dickson, and personally knew nothing affecting Capt. Robertson's character as an officer and a gentleman. I shall refer shortly to the evidence to show how conclusively the date is proved to be as I have stated. The evidence of Mr. Price, the riding-master, coupled with the entries in the regimental orders, of itself proves the date to be in April. By referring to the regimental order-book it is seen that every ride previous

to the 10th of April was exclusively an officers' ride, and that no ride between the 24th of July and the 9th of August was exclusively an officers' ride; and by reference to the copies of the half-monthly returns annexed, it appears that from the 25th of July to the 8th of August there were only four available officers present at head-quarters, which would not suffice to form a ride. If the case rested on this evidence alone, it would sufficiently prove the date to have been before the 10th of April; but when we add to this fact that Captain Bragg was quartered in Birmingham previous to the 10th of April, and was present riding with the officers when the backstick was used, and that he was not quartered in Birmingham between the months of June and September, and did not ride with the officers during that period, it appears to me impossible to controvert this date by evidence founded only on recollection, and depending on hearsay. With the other witnesses the question of date is in some measure dependant upon memory as to whether it was in April or July; but this is not the case with Captain Bragg, with whom the only question is, whether he was present at the ride when the backstick was used or not. I shall now refer to what I shall term the mistaken evidence as to this date given on behalf of the prisoner; and first to the evidence of Major Jones, who, on being asked this leading question—"Did you, in the month of July, see me exercising with a backstick?"—says "Yes;" but on cross-examination he admits that he cannot fix the date, that he does not recollect whether it was after Colonel Bentinck returned from London, in May; and being further pressed, he said he could not swear "that it was not on the 3rd of April." The next witness is the riding-master, who, when asked the time of the occurrence, says, "I could not swear to dates; I believe it to have been in July or August." He afterwards says he was sure it was not in April, and adds that his sergeant-major was absent at the time, and that he knows he was absent in July or August. It is pretty clear that the riding-master fixed the date by the absence of his sergeant-major, who, it happens, was absent in April as well as in July. It is true that when the riding-master made his appearance on the second occasion he was more positive as to date; but he then came to substantiate a most serious charge which he himself had invented against Colonel Bentinck—a charge which this court has unanimously declared to be unfounded and devoid of truth. If the court comes to the conclusion that this affair of the backstick occurred in April, and it must come to that conclusion if it believes the evidence of all the officers present on that occasion, with the exception of the riding-master, can it acquit Captain Robertson of blame in this transaction? He has said, in his first address, that "all matters connected with these transactions were too vividly impressed upon his mind to admit of any mistake or failure of memory on his part." Can he have been mistaken as to this date? Can he have forgotten whether the occurrence was before or after his interviews with Colonel Bentinck in the months of May and June? Or has he endeavoured to fix an incorrect date, in order to induce the court to impute false motives to Colonel Bentinck's actions? Next, in point of time, is the intimidation alleged to have been practised by the order given to the prisoner to leave the mess-room. On the 9th May, 1861, Colonel Bentinck met Colonel Dickson in Hyde Park, and knowing him to have been a intimate friend of Mrs. Robertson, he addressed him on a subject relating to the family affairs of Captain Robertson; then, for the first time, he heard of the quarrel between Colonel Dickson and the prisoner, and of the insult which had been offered by the former to the latter. Immediately on his return to Birmingham, that is, on the 16th May, 1861, Colonel Bentinck sent for Captain Robertson who admitted to him that he had been insulted, and had obtained no apology. It was then the duty of Colonel Bentinck to have placed Captain Robertson under arrest, in order to bring charges against him for his conduct; but as Captain Robertson promised to take immediate steps to retrieve his character, Colonel Bentinck was willing to afford him the opportunity of doing so, and showed in this, his first interview with the prisoner, as he had done in every subsequent interview in reference to the same transaction, even including their last interview on the 1st October, 1861, a willingness to save the prisoner from public exposure, and to allow him, if his retirement from the army became necessary, the opportunity of doing so by the sale of his commission. But as want of energy appears to be a characteristic of Captain Robertson, Colonel Bentinck, to stimulate him to action on this occasion, thought it well to desire him to absent himself from the mess-room until he could report to his commanding officer that he had taken some such steps as he had promised towards vindicating his character. The next morning, that is to say on the 17th May, Colonel Bentinck finds Captain Robertson in the mess-room reading a newspaper, and addresses him in these words, "Captain Robertson, I shall be obliged to you to leave the room." This took place in the presence of several officers, and, although Captain Robertson states that the order was given in an offensive manner, he has not

ventured to examine a single officer present on the occasion in support of his statement. From the circumstances above referred to, and about which there is no controversy, it appears that this order to leave the mess-room was the result and necessary consequence of Captain Robertson's own disregard of the order of the previous day, and that it was not given through any improper motive. Although the prisoner has alleged that for a period of six months Colonel Bentinck was using every species of annoyance, insult, and degradation, in order to drive him from the regiment, yet it is a significant fact that from the 16th May, 1861, upon which the last-mentioned alleged acts of intimidation occurred, until the 25th of August in the same year, upon which day the order to attend morning and evening stables was issued, he has failed in proving any act of Colonel Bentinck that even the ingenuity of his advisers can construe into an act of oppression; for I cannot for a moment allow that the order given to Major Jones to abstain from giving the prisoner leave of absence during the colonel's absence can be so construed. It would seem that the officers of the regiment thought that Colonel Bentinck was carrying his forbearance too far, and determined themselves to interfere; hence the origin of the letter to Colonel Bentinck, prepared during his absence in Ireland, of which the court has heard so much. This document, so far as its contents have been proved, appears to have been a letter addressed by the officers of the regiment to Colonel Bentinck, requesting him, as their commanding officer, to bring under the notice of his Royal Highness the General Commanding-in-Chief, through the Inspector-General of Cavalry, certain acts of Captain Robertson which they thought unbecoming an officer and a gentleman. Colonel Bentinck, on receiving the letter, thought that there was nothing illegal or improper in it. Acting under that impression, and thinking it fair towards Captain Robertson to make him acquainted with its contents, he sent for him, read the letter to him, and at the same time told him he considered it extremely unfair that there should be this document in existence without his knowledge of it, and that, as far as he was acquainted with the proceedings on the part of the officers, to the best of his knowledge there was nothing improper in it, as it was extremely respectfully worded. Although the circumstances relating to the origin and signature of that document are altogether foreign to the charges preferred against the prisoner, and can in no case affect his guilt or innocence, yet they have formed a principal subject-matter of investigation before this court, and one upon which there is great conflict of testimony. I must, therefore, refer to them. An archery meeting took place at Edgbaston, near Birmingham, on the 12th July, 1861 (a date now fixed beyond controversy). Many of the officers were present, amongst them Major Jones, Major Biggs, Lieutenant Wright, and Lieutenant Harran. Observations upon the conduct of Captain Robertson were made so openly at that meeting as to reach the ears of these officers—they are hurt by them, and fear that the hitherto unsullied reputation of their corps and their own position in society may be compromised. Major Jones, Lieutenant Wright, and Lieut. Harran return to Birmingham in Mr. Wright's carriage, and with them, while on their return, originated the idea of addressing the letter to Colonel Bentinck, to be presented to him on his arrival from Ireland. The evidence of Lieutenant Wright and Lieutenant and Adjutant Harran, as to this having been the origin of the document, is, no doubt, in the recollection of the court. The prisoner relies upon the evidence of Captain M'Donnell, who says he first heard of the document at the end of June or beginning of July, as being inconsistent with this origin. In addition to the positive evidence of the four officers, you have also the positive evidence of Colonel Bentinck himself, who says that he never heard of the document until after his return from Ireland on the 15th of July; yet the court is called upon to believe the statement of Lieutenant Rintoul, that on the 5th of June, 1861, upwards of a month before the document was ever thought of, Colonel Bentinck, in a conversation he had with him, spoke of an intention at head quarters to prepare such a document!—his only corroboration being an entry in his diary—an entry so opposed to the positive evidence of so many witnesses that no more reliance can be placed on it than on the now abandoned entry in Major Jones's note book. Colonel Bentinck has positively sworn that he did not know of the preparation or existence of this document until it was laid upon his table on his return from Ireland, and although he admits that from this period he was aware of its existence, and in conversation with one or two officers he may have said that unless the officers were unanimous in adopting it he would not act upon nor forward it; yet, he tells you that he did not solicit any officer to sign, or to take any active part in its promotion. What is Captain Robertson's return for the forbearance on the part of his commanding officer during the period to which I before alluded—that is, from the 16th day of May to the 25th of August? He is inattentive to his regimental duties, and generally late in attending the orderly-room. His conduct in the town of Birmingham is so

disreputable as to be the topic of general conversation, not only among persons in his own position in life, but even among the workmen of the town. The officers feel that the uneaviable notoriety he had acquired reflected upon the entire regiment. Major Jones thinks it his duty to remonstrate with Captain Robertson upon his conduct, and to advise him to be more circumspect. Colonel Bentinck, upon hearing of his conduct, asks Major Jones if the reports are true—is informed by him that they are perfectly true, and directs Major Jones to tell Captain Robertson that if he again heard of such misconduct he would order him into barracks. This brings us to the next charge preferred against Colonel Bentinck, the order of the 25th August, 1861, to attend morning and evening stables. It is not necessary for me to point out to this court that, although in ordinary cases a commanding officer has no right to exercise inquisitorial power as regards the private habits or amusement of officers under his command when they do not interfere with the due execution of their military service, he has an undoubted right, and it is his bounden duty, to interfere promptly and decidedly when the acts of any of them are such as to attract public scandal and reproach, or as being *contra bonos mores*, and for the performance of this duty he is responsible to his military superiors. This trial has, through the pertinacity of the prisoner to attempt at all hazards to injure his commanding officer, been dragged out to such a weary length that parts of my reply will appear disjointed from the fact of its having been prepared at intervals during the defence, and this must be my excuse for alluding now separately to certain points in the prisoner's third and last address, instead of incorporating my remarks in the body of my reply, under their proper heads. Whatever may be the result, Col. Bentinck may well be consoled for the attack that has been made on him by the way that all the officers of the corps, of all ranks, with the exception of two or three, who have become his assailants, have rallied round him, and have, by those kind and honest acts and expressions of attachment which a just and kind-hearted commanding officer can alone inspire, shown how they repudiate that attempt to injure him, which I shall no further notice, as I could not characterize it as it deserves without borrowing from the prisoner's address to this court some of his strong epithets. The cause must be weak indeed which can only be defended by such unscrupulous attacks upon witnesses—attacks which could have made no impression upon such a court as this, and which can be made only to influence public opinion. The court have on record my protest against the admission of evidence of any occurrences as to the third charge anterior to the 1st October; but the prisoner and his advisers would have it otherwise, and he must take the consequences. He knew that it was utterly impossible to prove intimidation in Dublin on the 1st October, so that the term was made to apply to a previous period, although he has been equally unsuccessful in proving his alleged acts of cruelty or oppression against Colonel Bentinck. No commanding officer is safe from attacks of this sort, when such an opportunity has been afforded of making them. No commanding officer who conscientiously performs his duty can fail to have some enemies. The ordinary routine of military discipline will inevitably produce inconvenience to some, and when those inconveniences fall upon ungenerous natures, enmity is the sure result. Every commanding officer has felt this at some time of his life. He may have to cast his major's horses, or he may have to check a refractory subaltern, who thinks he does not get as much leave as his own idea of his merits leads him to expect, or he may have to remark upon the absence from parade of a veterinary surgeon's servant. Each and all these things are enough with some men to engender bad feelings, produce anonymous slanders in newspapers, and to ensure combination when circumstances shall admit of an apparently safe attack. Such attacks have been unsparringly levelled at Colonel Bentinck under cover of a defence for the prisoner. One of these attacks has been made in court, and was so reprehensible that the court deemed it necessary to summon Colonel Bentinck before them to make him that acknowledgment which was only his due, and to assure him of their unanimous disbelief of a degrading insinuation which was made against him; and I am satisfied that every member of this court, and every person who dispassionately weighs the evidence bearing on this case, will acquit Colonel Bentinck from all moral guilt in these transactions. I thus conclude this painful and embarrassing subject, rendered doubly painful by the duty that has been imposed upon me of controverting the testimony of officers holding her Majesty's commission, with what success the court will decide.

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H. MAXWELL INGLIS, Esq., P.C.S.
ANTHONY TRAIL, Esq., W.S.

The Standard Life Assurance Company is one of the oldest and most successful of the Scottish Life Offices, and the Directors attribute its high position in public favour to the unremitting care bestowed on its management, to the liberality which has marked its dealings, to the facilities granted to its Policy-holders, and to the successful results of the business, as evinced by the Division of Profits.

PROGRESS OF THE COMPANY.

BUSINESS OF THE YEAR from 15th November, 1860, to 15th November, 1860:—

Sums proposed for Assurance,	£807,747	0	0
Assurances Accepted and Policies issued,	£705,897	0	0
Corresponding Annual Premiums on New Policies,	£22,565	4	6
Claims by Death during the Year, exclusive of Bonus Additions,	£104,826	14	8

The STANDARD has transacted a larger amount of Business during the last Fifteen Years than any other Office; the Annual Average being upwards of HALF-A-MILLION of New Assurances.

ANNUAL REVENUE, upwards of £2315,000.
ACCUMULATED AND INVESTED FUND, upwards of £1,950,000

The Directors invite particular attention to the new terms and conditions of the Standard Policy

FREE ASSURANCE.

When the Directors are satisfied that persons proposing for Assurance have no intention of proceeding beyond the limits of Europe, from their occupation and other circumstances, as to which information shall be furnished, Policies shall only be subject to the condition of payment of the ordinary premium. The assured may proceed to and reside in any part of the world without payment of Extra Premium; may serve in Militia or Volunteer Corps, in peace or war, within the United Kingdom; AND FURTHER, no policy of five years' duration shall be liable to any ground of challenge whatever connected with the original documents on which the Assurance was granted.

Existing Policy Holders shall have the benefit of the new terms and conditions, on application to that effect, provided the Directors are satisfied that such new benefit ought to be conferred.

POLICIES OF FIVE YEARS' DURATION, not renewed within the days of grace.

ADVERTISEMENTS.

do not become absolutely forfeited, but may be renewed within Thirteen Months, without evidence of health or habits, on payment of Fine.

POLICIES OF LESS THAN FIVE YEARS' DURATION may be renewed within Thirteen Months, on very favorable terms.

The PROFITS of the Company have been divided on six occasions:—1885-40-45, 1850-55, and 1860.

EXAMPLES OF BONUS ALREADY DECLARED.

Date of Policy.	Sum in Policy.	Total Bonus Additions up to 1860.			Sum in Policy with Bonus Additions.		
	£	£	s.	d.	£	s.	d.
15th November, 1830,	2,000	2,280	0	0	4,280	0	0
" 1835,	2,000	1,580	0	0	3,580	0	0
" 1840,	3,000	1,545	0	0	4,545	0	0
" 1845,	3,000	907	10	0	3,907	10	0
" 1850,	4,000	610	0	0	4,610	0	0
" 1854,	5,000	370	0	0	5,370	0	0

Surrender Value granted after one annual payment on with Profit Policies, or three annual payments on those without Profit, or Loans granted on such Policies within their value.

Every information can be obtained at any of the Offices or Agencies of the Company.

WILL. THOS. THOMSON, *Manager.*

SAMUEL SMYLYE, *Resident Secretary.*

Dublin, 66, Up. Sackville-st. 1st Jan., 1862.

EDINBURGH. DUBLIN. LONDON.
3, GEORGE-ST. 66, UP. SACKVILLE-ST. 82, KING WILLIAM-ST. E.C.

NORTH BRITISH INSURANCE COMPANY.

INCORPORATED BY ROYAL CHARTER AND ACT OF PARLIAMENT.

The ANNUAL GENERAL MEETING of the NORTH BRITISH INSURANCE COMPANY was held within the Company's Office, 64, PRINCE'S-STREET, EDINBURGH, on MONDAY, 3rd MARCH, 1862, in terms of the Constitution of the Company—JOHN ANDERSON, Esq., SENIOR DIRECTOR, in the Chair.

A Report by the Directors was read of the business transacted during the year 1861, in which the following results were communicated:—

FIRE DEPARTMENT.

The PREMIUMS received during the year 1861, deducting Re-insurances, amounted to £53,766, 16s. 5d Being £10,466 5s. 1d. above 1860, and £18,433 6s. above 1859.

LIFE DEPARTMENT.

785 NEW POLICIES had been issued, Assuring the sum of £527,626 0 0
And Paying of ANNUAL PREMIUMS, £16,553 2 9
In the ANNUITY BUSINESS 179 Bonds had been granted, for which was received
the sum of £51,529 16 8
The ACCUMULATED FUND now amounts to £1,174,388 6 11
And the ANNUAL REVENUE to £214,655 7 9

On the motion of the CHAIRMAN, seconded by GEORGE WARRENTER, Esq., the Report was unanimously approved of, and the usual Dividend of 8 per cent. on the paid-up Capital of the Company declared, payable on the 7th April next, free of Income-tax.

The Office-Bearers for the current year were then elected; and the thanks of the meeting having been voted to the Local Stewards and Agents, the proceedings concluded with a vote of thanks to the Chairman.

HEAD OFFICE—64, PRINCE'S-STREET, EDINBURGH.

LONDON OFFICE—4, NEW BANK BUILDINGS, LONDON.

DUBLIN BRANCH—67, UPPER SACKVILLE-STREET.

JAMES HAMILTON, Resident Secretary.

DAVID MAHONY, Solicitor.

MEDICAL ADVISER—Dr. AQUILLA SMITH, 131, Lower Baggot-street.

LOCAL AGENTS—HENRY DOWNS, 8, College-green; RICHARD BREW, 3, Lr. Gloucester-street.
By Order of the Board of Directors,

DAVID SMITH, Manager.
JOHN OGILVIE, Secretary.

Edinburgh, 3rd March, 1862.



THE NEW MEDICAL HALL, 80, WESTMORELAND-ST., DUBLIN.

J. J. GRAHAM & CO.,
PHARMACEUTICAL CHEMISTS AND APOTHECARIES,

Distillers of Flowers and Perfumed Waters,

PROPRIETORS.

ESTABLISHED 1831.

(LATE FRING AND CO.)

Under the Patronage of the Nobility, Gentry, the Medical Profession, and the Public.

The Proprietors trust they will not be deemed presumptuous in inviting the attention of the Medical Profession to the peculiar and decided advantages attendant on their Establishment. In opposition to none, but independent of all, they have endeavoured to place it on a footing at once acceptable to their notice, and in itself unexceptionable; and the continued patronage and support which they so liberally experience from the nobility, gentry, the faculty, and the community at large, are proofs sufficiently convincing that the intrinsic excellence of their system has been favourably appreciated, and has met with general approbation.

THE COMPOUNDING DEPARTMENT,

(FOR THE ACCURATE DISPENSING OF PHYSICIANS' AND SURGEONS' PRESCRIPTIONS.)

Is regulated on the most improved principle, under the personal inspection of Mr. J. J. GRAHAM, Licentiate Apothecary, and qualified assistants, whose attention is exclusively confined to the dispensing of Physicians' and Surgeons' Prescriptions, Family Recipes, &c. The Proprietors have directed to this branch of their Establishment the most indefatigable and persevering attention, and they trust it will be found replete with all the advantages of modern Pharmacy, and give a decided satisfaction to those who may honor them with their confidence and support. Every offices within the province of an Apothecary promptly attended to.

N.B.—*Medicines delivered in all parts of the City and Suburbs, also along the line of the Kingstown Railway, free of charge.*

The Pharmacopoeial Preparations, Extracts, &c., are prepared, with the greatest care, in their extensive Laboratory, under the personal inspection of the Proprietors.

FAMILY MEDICINE CHESTS.

LAVEMENT INSTRUMENTS, STOMACH and BREAST PUMPS, on the newest and most improved principles, and from the best makers.

TOILET PERFUMERY, and an extensive assortment of SMELLING BOTTLES, of the newest patterns and colours.

ELASTIC INDIA-RUBBER STOCKINGS and SYRINGES of every description.

HAIR, NAIL, TOOTH, and SHAVING BRUSHES, in great variety of patterns and hardness.

SUPERIOR OLD BROWN WINDSOR, HONEY, and ALMOND SOAPS.

ADVERTISEMENTS.

BARRY and CO., LONDON. Manufacturers of Superior COCOAS and CHOCOLATES.

BARRY and Co.'s Homeopathic Cocoa, in $\frac{1}{4}$ and $\frac{1}{16}$ packets, 1s. 4d. per lb. | BARRY and Co.'s Pulmonic Cocoa, in $\frac{1}{4}$ and $\frac{1}{16}$ packets, 1s. 4d. per lb.

BARRY and CO.'S NERVE COCOA, in $\frac{1}{4}$ and $\frac{1}{16}$ Canisters, 2s. per lb.

BARRY and CO.'S Soluble Pearl Hexagon and every other description of Cocoa and Chocolate, sold by all respectable Grocers and Druggists in Dublin.

TESTIMONIAL FROM THE CELEBRATED ANDREW URE, M.D., F.R.S.

"Having tested Messrs. BARRY and Co.'s Soluble Pulmonic and other Co-coas, I have much pleasure in stating that I consider them so WELL PREPARED, that while they retain the NUTRITIVE PROPERTIES of the purest Trinidad Cocoa, the process of their manufacture is so excellent as to make them particularly bland and acceptable to the most delicate stomach.

"Signed,

"ANDREW URE,

"January 23rd, 1854."

"18, Upper Seymour-st., Portman-square.

Agents for Ireland,

JAMES W. SANDFORD,

95, MIDDLE ABBEY STREET, DUBLIN.

BARRY & CO.'S Genuine Double-superfine and Superfine Mustards, prepared under an entirely new patent process whereby the fine Aromatic flavor and pungency are effectually preserved.

Sold by all respectable Grocers and Druggists.

Prepared only by BARRY & CO. at the Fin-bury Steam Mills, London.

Agent for Ireland,

JAMES W. SANDFORD,

95, MIDDLE ABBEY STREET, DUBLIN.

! IN THE SHORT SPACE OF THREE MONTHS

THE LONDON TEA WAREHOUSE?

3, GREAT BRUNSWICK-STREET,

HAS become noted for superior value in TEA and COFFEE, SPICES, FRUITS, PICKLES, and every article warranted genuine. SUGAR AT LOWEST MARKET RATES.

W. P. UPTON,

THE LONDON TEA WAREHOUSE, 3, GREAT BRUNSWICK-ST.

THE CHEAPEST HOUSE IN DUBLIN

FOR

London, Birmingham, Sheffield, British and Foreign Fancy Goods

GLASS, CHINA, &c.,

IS AT THE

ULSTER HOUSE, 8, DAME-STREET.

WILLIAM CUTTIFORD begs to announce that his present Stock of New

Spring Goods is now replete with every novelty for the season, and having been selected with much care and attention, and purchased for Cash, and owing to the great depression in trade, he is determined to offer the whole of his splendid, useful, and ornamental stock at unprecedentedly low prices. The Stock comprises:—Paper Machie—Trays, Tables, Work Boxes, Writing Desks, Knitting Boxes, Bloaters, Ink Stands, Card Baskets, Cabinets, Bread Baskets, Walter's Tea Caddies, and a large assortment of Japan Trays, Waiters', and Bread Baskets. Cabinet Goods, in Rosewood, Mahogany, and Walnut—Work Boxes, Dressing Cases, Glove and Knitting Boxes, Tea Caddies, Writing Desks, &c. Electro-Silver Plated Goods, in Tea and Coffee Sets. Tea and Toddy Kettles, Cake Baskets, Salvers, Cover Dishes, Liqueure and Cruet Sets, Double and Single Branch Candlesticks, Chamber Candlesticks, Butter Coolers, Salts, Table Spoons, and Forks, Dessert Spoons and Forks, Tea, Mustard, and Salt Spoons, Fish Carvers, Sugar Basins, Fruit Stands, &c. Jewellery—Brooches, Rings, Earrings, Guards, Gold and Plated Necklets, Shirt Studs, Sleeve Links, Gold and Silver Watches, &c., and a number of other articles too numerous to insert. French Ormolu Time Pieces, Clocks in Alabaster, Ebony, and Brass, of the best manufacture. Cutlery—Knives and Forks, Carvers, Bread Knives, Butcher's Knives, Pistol Knives, Pocket and Pen Knives, and the Patent Saloon Pistol Knife, Razors, Scissors, &c., and every description of Cutlery. Ornamental Department—Parian, French China, and Bohemian Glass Vases of every description and style, splendid Lustres, Plain and Colored Glass Lava Figures and Ink Stands, together with a large assortment of every description of Toys. Glass—Decanters Cut and Moulded, Caraffes, Tumblers, Wines, Finger Basins, Butter Coolers, Salts, Dishes, &c., and every description of article manufactured suitable for table use. China—Tea and Breakfast Services,

ADVERTISEMENTS.

**General Carpet Warehouse, &c.,
Nos. 22 and 23, PARLIAMENT-STREET, DUBLIN.**

D SHERIDAN begs to call attention to his new purchases which are daily arriving. Having been unusually early in the market this season, he has secured the new designs, and can offer considerable inducements to parties furnishing. He respectfully calls attention to the First Importation of French Manufactured Goods, &c., of exquisite coloring and design, and extremely moderate in price.

DEPARTMENTS.

Carpets and Hearth Rugs of every description.

Oil Cloths from 18 inch to 24 feet wide.

Druggists, Patent Felts, and Crumb Cloths.

Matting, Mats, and Door Rugs.

Table Covers, all kinds.

Blankets, Quilts, &c.

Mattress and Bedding, Iron Bedsteads.

Curtains, Materials, Polas, &c.

P. S. employs the most competent fitters to lay down CARPETS, OIL CLOTHS, and KAMPTULICON, &c., in all parts of the country.

22 and 23, PARLIAMENT-STREET, DUBLIN.

Fire and Great Loss at 8 and 9, Trinity-street.

P. MOORE,

11, DAME-STREET,

By special appointment **BOOT MAKER** to his Excellency the Earl of Ca-
RESPECTFULLY informs his customers, the Nobility and Gentry that he has removed to the above spacious Concerns, where a large Stock of the undernamed Goods, recently manufactured, are ready for inspection:—

Yachting Boots, Shooting Boots, Fishing Boots, Hunting Boots, Castle Dress Boots, & Cricket Shoes, Messmen's Shoes, & Servants' Watting Shoes.

all manufactured under his own immediate superintendence by the best workmen.

MRS. MOORE'S Department comprises the following:—**UMBRELLA, PARASOL, BRUSH, and OIL'D CLOTH MANUFACTORY, 11, DAME-STREET,** (late of 8 and 9, Trinity-street.)

Medicated Oil'd Silk.

Sponge and Sponge Bags.

Bathing Caps, Hat Covers.

Oil'd Cloth Coats and Capes.

Gallooshes, Car Aprons.

Cap Cases, Gun Cases.

Repairs done in the neatest manner.

JOHN FLYNN,

MILITARY AND MERCHANT TAILOR,

To the Nobility, Clergy, and Gentry.

I beg to inform you of the arrival of my Spring and Summer Stock of Fancy Coat and Trowerings, which for beauty of design cannot be excelled. My Ready-made Warehouses are replete with all the novelties of the season, and, being a Practical Tailor, I can guarantee a perfect fit.

JOHN FLYNN, Military and Merchant Tailor, 2, ESSEX-BRIDGE.

STEAM-PRESS PRINTING OFFICE,

6 & 7, GREAT BRUNSWICK-STREET.

J. M. O'TOOLE & SON

RESPECTFULLY inform their Friends and the Public that they have taken the very commodious concerns, 6 AND 7, GREAT BRUNSWICK-STREET, wherein they have, at very considerable expenditure, erected Steam Machinery with the best and most recent improvements; they are thus in a position to execute the largest works with accuracy and speed, and the great facilities at their command, combined with their own personal superintendence, enable them to make

Considerable Reductions in their Scale of Charges.

Pamphlets printed at the lowest possible shade of profit.

In order to meet the wishes and requirements of many of their customers they have lately added a Stereotype Foundry, and also a Lithograph Printing Department, to their concerns, which gives them considerable advantages over other establishments.

A few Copies of the Only Authentic Report of

THE GREAT YELVERTON TRIAL

On hands, Price One Shilling.

Sir James Murray's Aërated Fluid Extract of Bark.

The great expense of *Sulphate of Quinine* in crystals, which renders it the more liable to varied adulterations, and its comparative insolubility, even in that form, requiring the addition of more or less acid to facilitate its solubility, proved to, Sir J. Murray, the advantages of supplying the Profession and the Public with the "Aërated Fluid Extract of Red Peruvian Bark," in which the best and most soluble salt of Quinine is presented in a safe, easy, and compendious solution. The quantity of the actual Quinine present (being capable of demonstration by analysis) amounts to three grains of that pure tonic in each fluid ounce, viz. two table spoonfull of this "Aërated Extract."

IMPORTANT.—Army, Navy, and Hospital Medical Officers, may now be supplied by wholesale Druggists abroad and at home with this concentrated Quinine, saturated with Cinchonia and Quinia, both of which elements are largely yielded by pure red Bark, when macerated on a large scale in fluid Camphor.

If long digested in cylinders under a pressure of 200lbs. on the square inch, all the active saline principles of the Bark are evolved with their tonic qualities. As each operation of the machinery requires several cwt. of Bark at a time, the condensed Quinine must be uniform in strength. Any quantity can thus be sent to all vendors, to be ready in a moment without delay, risk of bad Barks, or variable preparations.

As the *alkaloids* must first be liberated from kinic and other acids, the processes are difficult to combine all the Bark qualities in their nascent state. The medicinal integrity of this condensed saline extract cannot be perfect unless thus prepared in proper engines.

With the above exception, most other active principles of plants can be macerated by dispensers directly for themselves, in small quantities, suitable to their own wants and compounds.

This safe and cheap *solvent* extracts the virtues of resins, bitters, roots, seeds, and leaves in the same proportions as are used for preparing *alcoholic tinctures*, but without inflaming, irritating, or leading to the danger of dram-drinking.

The same *formulae* and weights directed by the Colleges should be used with the same measure of fluid Magnesia and Camphor, as that of the old spirituous tinctures of the shops.

In any part of the world *concentrated infusions or fluid extracts* of the following drugs can be compounded, if the ingredients be genuine, and immersed in the magnesian menstruum for fourteen days.

The medicinal qualities of aloes, buchu, galls, calumbo, guaiac, gentian, hops, myrrh, rhubarb, sarsaparilla, valerian, and other plants too bulky for spirits, can be best extracted by fluid Camphor.

For steeping the above medicines, druggists supply jars of combined Camphor and Magnesia; over half a gallon each, at 4s. 6d. *per se*, the best antacid and cordial vehicle for dispensing and for dissolving vegetable products, without the abuse of spirits.

P.S.—Please observe that certain classes of diseases, Heartburn, Gravel, and Gout, require *alkalescent* remedies, such as fluid Magnesia; but other disorders, Fevers, or Fluxes, Diarrhoea, &c., may profit more by *acidulous* drinks or medicines. For such, a pleasing beverage is formed, by *acidulating* doses of the EXTRACT OF QUININE, with a little LEMON SYRUP, in water, cider, or any other sub-acid drinks, thus changing the alkaline Magnesia into a brisk citrated solution of it.

Agents supply printed directions and formulae for preparing extempore extracts from time to time, on the small scale, for the ENTIRE PROFESSION, and for all public Institutions and Dispensaries, on very economical terms, available for most classes of patients.

From CHARLES R. C. TICHBOURNE, Esq., *Chemist to the Apothecaries' Hall, Dublin.*

"MY DEAR SIR JAMES—I have examined the bottle marked 'Sir James Murray's Aërated Fluid Extract of Bark.' It contains eight grains of solid constituents per ounce, viz.—Quinine, 2.74 grains in the fluid ounce; 1.4 grains of Carbonate of Magnesia; Camphor about 1 grain; residue, Bark Extractive, and Cinchonia, with free Carbonic Acid.

"Sincerely yours,

"CHARLES R. C. TICHBOURNE."

From CHARLES A. CAMERON, M.D., M.R.I.A., *Professor of Chemistry.*

"I have examined a specimen of the Aërated Extract of Cinchona Bark prepared according to Sir James Murray's process, and find that in three fluid ounces there are contained 5.720 grains of Quinine.

"CHARLES A. CAMERON, M.D., M.R.I.A.,

"*Professor of Chemistry.*"

ADVERTISEMENTS.

CANADA.

EMIGRATION
OFFICE,



GOVERNMENT OF
CANADA.

25, UPPER SACKVILLE-STREET, DUBLIN.

TO EMIGRANTS.

Persons who desire to better their condition by emigrating, should call, or write, for information to the Canadian Government Emigration Office, No. 25, Upper Sackville-street, Dublin. It is well known that the once-United States no longer offer any inducements to Emigrants. The horrors of Civil War in the present, and burdensome taxation in the future, are among the unwelcome prospects before those who have sought that Country for a home. Canada now holds out inducements superior to those offered by any other Country. The Canadian Government not only give

FREE GRANTS OF LAND, 100 ACRES TO EACH SETTLER,

in certain localities, but the whole of the unsold surveyed Lands of the Province, in Upper and Lower Canada, are open for sale, to Settlers only, at prices which make them almost equivalent to free grants, the finest Agricultural Lands, in a wild state, being obtainable in lots of 100 to 200 Acres, at from

ONE SHILLING TO FOUR SHILLINGS PER ACRE,

payable in easy instalments, one-fifth only being required down, and NO RENT payable ever afterwards.

For Farmers with a moderate capital may obtain bargains of cultivated Farms, in desirable localities, contiguous to Markets, Schools, Catholic and Protestant Churches, etc. For example, a man may obtain 100 acres of excellent land, 80 acres cleared, and in good cultivation, in one of the finest districts of Canada, within a few miles of the Railway, with a good House, Barns, and Offices, for £1,000—one-half of the money down, and five years to pay the remainder; and the same extent of land with smaller clearance and less expensive buildings, at proportionate rates, ranging as low as £200.

The steady progress of the Country, its prosperous state, the enjoyment of real liberty with little or no taxation, a good Government, an industrious and moral population with kindred sympathies and institutions, good and cheap education, a fine soil, salubrious climate, most valuable forests and minerals, unlimited water-power and unrivalled means of cheap and rapid communication throughout the Country and with all parts of the world, are certain indications of the present wealth and future greatness of Canada, and point it out as the most desirable refuge for those who seek a new home.

A short passage of 10 to 12 days by Steamer, every Friday, from Londonderry, or of a month in a Sailing Vessel, from an Irish port, lands the Emigrant in Quebec, from which port westward there is a choice of conveyance by Rail, or in comfortable and elegant river Steamers, to all parts of the Province, at very low rates, and under the careful protection of Government Officials from imposition or annoyance.

The Fare—Steerage, from Dublin and the principal towns in the South of Ireland to Quebec by Steamer, is Six Guineas, which includes railway fare to Derry, and a plentiful supply of cooked provisions on the passage. By Sailing Vessel, about Four Pounds.

Pamphlets, Maps, &c., published by, and with the sanction of, the Canadian Government, expressly for the information of Emigrants, and the contents of which may be implicitly relied on, and any other information required, will be afforded on application personally, or by letter postpaid, to the undersigned, who has lived in Canada over twenty years, and is well acquainted with its capabilities and resources, or to J. A. DONALDSON, Esq., Canadian Government Emigration Agent, Londonderry. Applications may also be made for passage tickets to the advertised Agents of the steamers and sailing vessels.

E. J. CHARLTON,

No. 25, Upper Sackville-street,
Dublin, March 31, 1862.

Emigration Agent for the Government of Canada.

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